UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/22
23 January 1990

ENGLISH
Original: ENGLISH/FRENCH/SPANISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 13 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Summary or arbitrary executions

Report by the Special Rapporteur, Mr. S. Amos Wako, pursuant to Economic and Social Council resolution 1988/38

GE.90-10126/1522B

CONTENTS

	Paragraphs	Page
Introduction	1 - 5	1
Chapter		
I. ACTIVITIES OF THE SPECIAL RAPPORTEUR	6 - 22	2
A. Consultations	6	2
B. Communications	7 - 19	2
C. Joint hearings on southern Africa	20	3
D. Visits to countries	21 - 22	4
II. SITUATIONS	23 - 443	5
A. General	23 - 24	5
B. Country situations	25 - 445	6
Angola	25	6
Argentina	26 - 29	6
Bahrain	30 - 32	6
Bangladesh	33	7
Benin	34 - 36	7
Brazil	37 - 57	7
Bulgaria	58 - 60	13
Burundi	61 - 66	13
Cameroon	67 - 70	15
Chad	71 - 75	15
Chile	76 - 82	16
China	83 - 113	17
Colombia	114 - 142	23
Democratic Yemen	143 - 150	32
El Salvador	151 - 161	33
Ethiopia	162 - 167	37
Guatemala	168 - 192	39
Guyana	193 - 195	44
Haiti	196 - 200	45
Honduras	201 - 216	46
India	217 - 231	50
Indonesia	232 - 240	54
Iran (Islamic Republic of)	241 - 254	56
Iraq	255 - 266	59
Israel	267 - 276	61
Malawi	277 - 279	63
Maldives	280 - 283	63
Mauritania	284 - 286	64
Mexico	287 - 296	64

READEX FICHE

CONTENTS (continued)

	Paragraphs	Page
Nicaragua	297 - 299	66
Pakistan	300 - 303	69
Panama	304 - 305	70
Peru	306 - 333	70
Philippines	334 - 343	77
Romania	344 - 349	81
Saudi Arabia	350 - 353	82
Somalia	354 - 358	82
South Africa	359 - 379	83
Sri Lanka	380 - 396	87
Sudan	397 - 402	92
Suriname	403	92
Turkey	404 - 408	93
Union of Myanmar	409 - 418	94
Union of Soviet Socialist Republics	419 - 426	96
United States of America	427 - 433	98
Venezuela	434 - 442	99
Yemen	443	102
Yugoslavia	444 - 446	102
III. ANALYSIS OF THE PHENOMENON	447 - 468	103
A. Death threats	447 - 454	103
B. Human rights defenders as victims of summary or arbitrary executions	455 - 460	104
C. Effective prevention, investigation and punishment of summary or arbitrary executions - consensus on international standards	461 - 464	105
D. Advisory services and technical assistance	465 - 468	106
IV. CONCLUSIONS AND RECOMMENDATIONS	469 - 477	107
Annex: Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions		110

Introduction

1. The present report is submitted pursuant to Economic and Social Council resolution 1988/38 and Commission on Human Rights resolution 1989/64, both entitled "Summary or arbitrary executions". This is the eighth report of the Special Rapporteur to the Commission on Human Rights on the subject.

2. In his seven previous reports (E/CN.4/1983/16 and Add.1, E/CN.4/1984/29, E/CN.4/1985/17, E/CN.4/1986/21, E/CN.4/1987/20, E/CN.4/1988/22 and Add.1 and 2 and E/CN.4/1989/25), the Special Rapporteur dealt with and examined the various aspects of the phenomenon of summary executions, including legal and other theoretical issues.

3. The present report follows the general structure of the last report. In Chapter II B of the present report, the Special Rapporteur describes urgent appeals to Governments and other communications which he has made forwarding allegations to the Governments concerned and replies and observations therefrom. The Special Rapporteur hopes that he has presented a comprehensive picture of the phenomenon in each country.

4. In Chapter III, the Special Rapporteur has made an analysis of the phenomenon in general terms of the information received and Governments' replies and observations during the past year. He has taken up the following four issues: (a) death threats, (b) human rights defenders as victims of summary or arbitrary executions, (c) international standards of effective prevention, investigation and punishment of summary or arbitrary executions, and (d) advisory services and technical assistance.

5. Finally, in Chapter IV, the Special Rapporteur gives conclusions and recommendations, which are based on his analysis of the information he has received and consideration of practical measures to be taken in the immediate future.

Chapter I

ACTIVITIES OF THE SPECIAL RAPPORTEUR

A. Consultations

6. The Special Rapporteur visited the Centre for Human Rights, United Nations Office at Geneva, in July and October/November 1989 for consultations with the Secretariat and again in January 1990 to finalize his report.

B. Communications

1. Information received

7. In the course of his present mandate, the Special Rapporteur received communications containing information concerning summary or arbitrary executions from Governments, non-governmental organizations and individuals. The number of communications has increased every year; during the past year, it reached more than 1,500.

8. Information of a general nature was received from the Governments of Bangladesh, Brazil, Bulgaria, Burundi, Colombia, El Salvador, Guatemala, Mauritania, Peru, Senegal, Turkey.

9. Information of a general nature and/or concerning specific allegations of summary or arbitrary executions were received from the following non-governmental organizations in consultative status with the Economic and Social Council: Amnesty International, Anti-Apartheid Movement, Arab Lawyers Union, Commission of the Churches on International Affairs of the World Council of Churches, International Association Against Torture, International Association of Democratic Lawyers, International Commission of Health Professionals, International Committee of the Red Cross, International Confederation of Free Trade Unions, International Federation of Human Rights, International Federation Terre des Hommes, Pax Christi - International Catholic Peace Movement, Pax Romana - International Catholic Movement for Intellectual and Cultural Affairs, Regional Council on Human Rights in Asia, Union of Arab Jurists, Women's International Democratic Federation.

10. In addition, information concerning alleged cases of summary or arbitrary executions was received from a number of regional, national and local non-governmental organizations, groups and individuals in various parts of the world.

2. Allegations of summary or arbitrary executions

11. In the course of his mandate, the Special Rapporteur sent cables and letters to Governments concerning allegations of imminent or actual summary or arbitrary executions in their countries.

12. In reply to the Special Rapporteur's cables and letters, a number of Governments provided him with information and observations concerning the allegations. For the sake of the preparation in time of the present report, the Special Rapporteur was obliged to leave the Government replies which reached him after 15 January 1990 to his next report.

(a) Urgent appeals

13. In response to information containing allegations of imminent or threatened summary or arbitrary executions which appeared *prima facie* relevant to his mandate, the Special Rapporteur addressed 67 urgent messages by cable to 25 Governments, appealing for the Government's protection of the right to life of the individuals concerned and requesting information concerning those allegations. These Governments are: Argentina, Brazil, Bulgaria, Chad, Chile, China, Colombia, El Salvador, Guatemala, Honduras, India, Iran (Islamic Republic of), Israel, Maldives, Mexico, Peru, Philippines, Romania, Somalia, South Africa, Sri Lanka, Sudan, Union of Myanmar, Union of Soviet Socialist Republics, United States of America.

14. Replies were received from the following Governments: Argentina, Bulgaria, China, Colombia, Guatemala, Honduras, India, Iran (Islamic Republic of), Maldives, Mexico, Peru, Sri Lanka, Union of Myanmar, Union of Soviet Socialist Republics, United States of America.

15. In addition, replies were received from the following four Governments concerning the cables sent by the Special Rapporteur during 1988: Angola, Iran (Islamic Republic of), Peru, Suriname.

16. These messages and the replies received are summarized in chapter II; the full texts are available for consultation in the Secretariat files.

(b) Requests for information concerning alleged summary or arbitrary executions

17. The Special Rapporteur also sent 56 letters to 36 Governments concerning alleged summary or arbitrary executions in their countries, as follows: Bahrain, Benin, Brazil, Burundi, Cameroon, Chile, China, Colombia, Democratic Yemen, El Salvador, Ethiopia, Guatemala, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Malawi, Mauritania, Nicaragua, Pakistan, Panama, Peru, Philippines, Romania, Saudi Arabia, Somalia, South Africa, Sri Lanka, Turkey, Venezuela, Union of Soviet Socialist Republics, Yugoslavia.

18. Replies were received from the following Governments: Bahrain, Brazil, Burundi, Chile, Colombia, Ethiopia, Honduras, Indonesia, Iraq, Turkey, Union of Soviet Socialist Republics, Venezuela.

19. In addition, replies were received from the following six Governments concerning the allegations transmitted by the Special Rapporteur during 1988: Brazil, Democratic Yemen, Ethiopia, Nicaragua, Peru, Yemen.

C. Joint hearings on southern Africa

20. The Special Rapporteur joined the *Ad Hoc* Working Group of Experts on southern Africa for hearings held in London, United Kingdom, from 14 to 18 August 1989. The information obtained at the joint hearings is reflected in Chapter II, section B, paragraphs 359-378.

D. Visits to countries

21. The Special Rapporteur, in the context of his mandate and upon the invitation of the Government of Colombia visited Colombia from 11 to 20 October 1989. The Special Rapporteur wishes to express his deep appreciation to the Government of Colombia for its positive co-operation and efforts to make the Special Rapporteur's visit meaningful.

22. An account of his visit to Suriname is contained in the addendum to the present report (E/CN.4/1990/22/Add.1).

Chapter II

SITUATIONS

A. General

23. The information received by the Special Rapporteur in the course of his present mandate includes allegations of executions or deaths which may have taken place in the absence of the safeguards designed to protect the right to life embodied in various international instruments, such as the International Covenant on Civil and Political Rights (arts. 4, 6, 7, 9, 14 and 15), the Standard Minimum Rules for the Treatment of Prisoners, the Code of Conduct for Law Enforcement Officials, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Safeguards guaranteeing protection of the rights of those facing the death penalty adopted by the Economic and Social Council in resolution 1984/50 of 25 May 1984, and the Effective prevention and investigation of extra-legal, arbitary and summary executions, adopted by the Economic and Social Council in resolution 1989/65 of 24 May 1989.

24. This information generally related to allegations of the following nature:

(a) Actual or imminent executions:

  (i) Without a trial;

  (ii) With a trial but without safeguards designed to protect the rights of the defendant as provided for in articles 14 and 15 of the International Covenant on Civil and Political Rights.

(b) Deaths which took place:

  (i) As a result of torture or cruel, inhuman or degrading treatment during detention;

  (ii) As a result of abuse of force by police, military or any other governmental or quasi-governmental forces;

  (iii) As a result of assault by individuals or paramilitary groups under official control;

  (iv) As a result of assault by individuals or groups not under official control, but acting with official collusion or connivance;

  (v) As a result of assault by groups opposing the Government.

(c) Death threats made by:

  (i) Members of police, military or any other governmental or quasi-governmental forces;

  (ii) Individuals or paramilitary groups, under official control or acting with official collusion or connivance.

B. Country situations

Angola

25. On 8 December 1989, a reply was received from the Government of Angola to the Special Rapporteur's cable of 15 November 1988 concerning two alleged cases of imminent executions. According to a report from the Office of the Military Prosecutor, Marcolino Fazenda, a civilian, had been sentenced to death in October 1989 and committed suicide the following night, and Joaquim Antonio, a soldier, appealed against his death sentence to the Court of Second Instance of the Tribunal Militar das Forças Armadas. The representative stated that the procedure of the military tribunal guaranteed the right to appeal as well as other rights of the defendant.

Argentina

26. On 3 May 1989, a cable was sent to the Government of Argentina concerning an alleged death threat made on 18 March 1989 by a group named "Heroes of La Tablada" against Hebe Bonafini, president of the Madres de la Plaza de Mayo, and her daughter Alejandra.

27. The Special Rapporteur, expressing his concern for the life of the two persons, appealed to the Government to take the necessary measures to protect their life and requested information on the measures taken.

28. On 7 July 1989, a reply was received from the Government of Argentina to the Special Rapporteur's cable of 3 May 1989 stating that, immediately upon learning of the existence of threats against the physical integrity of Mrs. Hebe Bonafini and her daughter Alejandra, the Government, through the Under-Secretariat for Human Rights of the Ministry of the Interior, had lodged a complaint with the National Judge of First Instance in Criminal Court of Investigation No. 20.

29. It was also stated that, in that submission to the courts, the Ministry of the Interior had requested that a thorough investigation of the facts should be undertaken immediately and that the guilty parties should be subject to the most severe penalties provided for in Argentine criminal law. It had further requested that the security of the lives and property of the victims of the threats should be guaranteed through the adoption of all relevant measures for that purpose.

Bahrain

30. On 11 April 1989, a letter was sent to the Government of Bahrain concerning the allegation that Mohammed Mansoor Hassan, aged 32, had been found dead on 8 February 1989 in the north-west of al-Manama Island. His body was said to have carried signs of torture. According to the information received, Mohammed Mansoor Hassan had been arrested on 25 January 1989 at Bahrain International Airport on his return from Syria, and detained at al-Dala-a prison. The Bahraini authorities had reportedly admitted his detention but denied the allegation of torture.

31. The Special Rapporteur requested information on this allegation and in particular on any investigation by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths.

32. On 17 August 1989, a reply was received from the Government of Bahrain to the Special Rapporteur stating that the allegation was completely false and that there was absolutely nothing suspicious about the death of Mohammed Mansoor Hassan. It was further stated that he had never been held in police custody and that the formal investigation into the cause of his death, including official post mortem examination of the body, confirmed that the deceased, a known epileptic, had died of natural causes.

Bangladesh

33. On 10 October 1989, a letter was received, transmitting information on the incidents in Chittagong Hill Tracts described as atrocities perpetrated by Shanti Bahini terrorist elements. In the attachment to the letter, six such incidents in July 1989 and eight in August were listed in which a number of civilians had been reportedly killed.

Benin

34. On 30 October 1989 a letter was sent to the Government of Benin informing it of allegations that Serge Gnimadi, an 18-year old student, had died in February 1989 while in custody at the Proto Novo police station. Mr. Gnimadi had been arrested in connection with the strike by teachers, students and civil servants. The same source alleges that some 10 factory workers were killed at Savé, in March 1989, when troops fired on workers on strike. The troops were allegedly acting on orders received from President Mathieu Kérékou to open fire without warning at any gathering in the streets.

35. The Special Rapporteur requested further information on these allegations, on any investigation by the competent authorities, including autopsies, and on any measures adopted to prevent the further occurrence of such deaths.

36. At the time of the preparation of the present report, no reply had been received from the Government of Benin.

Brazil

37. On 20 March 1989, the Special Rapporteur sent a cable to the Government of Brazil concerning alleged death threats made against several Rural Workers' Trade Union leaders. Among those allegedly under constant death threats were Maria Aparecida Rodrigues de Miranda, president of the Rural Workers' Trade Union of Unai, Minas Gerais State, and Osmarino Amancio Rodrigues, president of the Rural Workers' Trade Union of Brasileia, Acre State.

38. In view of several cases of alleged killings in the past of leaders of Rural Workers' Trade Unions by hired gunmen, such as the killing of Francisco Alves Mendes Filho on 22 December 1988 in Xapuri, in which, it was alleged, the authorities had not taken effective measures to protect the life of the victims, the Special Rapporteur expressed his serious concern for the life of the above-mentioned leaders of the Rural Workers' Trade Union, appealed to the

Government to take the necessary measures to protect their right to life, and requested information on those cases and also on the measures taken by the Government to protect the lives of those persons.

39. On 19 May 1989, a letter was sent to the Government of Brazil concerning allegations that killings of peasants, trade unionists and lawyers had continued in the context of land disputes. The victims had been allegedly killed by persons hired by landowners. It was also alleged that, in a number of cases, the victims had been killed after receiving death threats and that some had survived attempts on their life. It was further alleged that the authorities had failed to take effective action to investigate the killings, to bring those responsible for such killings to justice or to protect those who were facing death threats.

40. The Special Rapporteur listed by way of example seven such cases which had allegedly occurred since October 1988, as follows:

(a) The case of José August on 15 October 1988 in Varzea Nova, Bahia State;

(b) The case of Moises Vitorio dos Santos, president of the Rural Workers Trade Union of Varzea Nova, on 21 November 1988, in Bahia State;

(c) The cases of two men, a suspect and a possible witness in the killing of Sebastiao Pereira de Souza and his three year-old son, Clésio, on 24 October 1987, in Goianésia, Pará State, on 17 October 1988. Also in connection with the 1987 killings, the cases of death threats against Dona Maria de Jesus, the widow of Sebastiao Pereira de Souza, and Padre Paulo Joanil da Silva, the parish priest of Jacundá and regional co-ordinator of the Church Land Commision (Comissao Pastoral da Terra (CPT));

(d) The case of Antonio Guilhermino de Oliveira on 21 October 1988, in the municipality of Sento Se, Bahia State;

(e) The case of Joâo Carlos Batista, State legislator and lawyer, on 6 December 1988, in Belém, Pará State;

(f) The case of Francisco Alves Mendes Filho, president of the Rural Workers' Trade Union of Xapuri, on 22 December 1988, in Xapuri, Acre State;

(g) The case of José Francisco Avelino, a peasant community leader and a member of the Church Land Commission, on 29 December 1988, in Conde, Paraíba State, and the case of Severina Rodrigues da Silva, on 30 March 1989.

41. On 24 July 1989, another letter was sent to the Government of Brazil transmitting allegations of continued killings of and death threats against agricultural workers and lawyers defending them, in the context of disputes over land. Such cases had reportedly occurred in various States of the country and it was alleged that the military police and the police of the States concerned had been directly responsible for some of the killings, or had failed to provide the necessary protection to persons having received death threats. It was further alleged that the authorities had failed to take effective action to investigate the killings, or to bring those responsible to justice.

42. The Special Rapporteur listed five such cases as follows:

(a) The case of Joseph Maria Ferreira Alves, an agricultural worker from Viseu, on or about 14 May 1989, and his son Joâo de Deus Ferreira da Silva;

(b) The case of Antonio Eden John de Souza, a lawyer, on 28 March 1989, in Manaos, Amazonia;

(c) The case of death threats against several members of the Sâo Joâo dos Carneiros community, including Raimundo Benicio de Moura, Antonio Airton, member of the CUT-Unified Union of Workers of the State of Ceara, and Cleide Fondes, the community's legal representative, Quixada district, State of Ceara;

(d) The case of Joâo Almeida do Nascimento, chairman of the Rural Workers' Union in Cumbé, State of Sergipe, on 31 May 1989;

(e) The case of José Rente Nascimento, Co-ordinator of the Environmental Protection Project of the Indigenous Communities (Coordenador do Plano de Proteçâo ao Meio Ambiente e as Comunidades Indigenas), on 17 May 1989, together with two of his assistants, in Rio Branco, State of Acre.

43. On 30 October 1989, another letter was sent to the Government of Brazil transmitting allegations of killings, mostly of agricultural workers, politicians and farmers. It was also reported that lawyers and church officials continued to be the targets of a campaign of death threats, probably due to their activity in defending peasants' rights in land conflicts. It was alleged that no prompt and effective action had been taken by the authorities to bring those responsible to justice, to prevent further killings or to protect those whose life was threatened. The following seven cases were listed by way of example:

(a) The case of Donato Cardoso, a farmer, on 1 July 1989, in Saô Francisco municipality, State of Minas Gerais;

(b) The case of Joâo Batista Jorge, aged 21, member of the Landless Agricultural Workers Movement, on 10 July 1989, in Itaborai, State of Rio de Janeiro;

(c) The case of Luis Carlos Brito, a journalist, on 16 July 1989, in Trancoso, State of Bahia;

(d) The case of Verino Sossai, leader of the Landless Agricultural Workers Movement, on 19 July 1989, in Montanha, State of Espiritu Santo;

(e) The case of José Rocha Maraes, rural leader, on 26 July 1989, in Sâo Luiz Gonzaga, State of Maranhâo;

(f) The cases of Paulo Roberto da Silva and Isaias Lima Carneiro, on 29 July 1989, in Baixada Fluminense, State of Rio de Janeiro;

(g) The case of Guatemir Antonio da Silva, leader of the "Nossa Senhora das Graças" community, on 30 July 1989, in the Campo Grande area of Rio de Janeiro.

44. It was also reported that several church officials and human rights activists had recently been the target of death threats and attempts on their lives. They included the Lutheran pastor of Linhares, Vilmar Schneider, and a local human rights lawyer, Osmar Barcelos do Nascimento, members of the Linhares Human Rights Commission. Other church officials who had received death threats were the Methodist pastor of Colatina, Jader Batista da Silva, the secretary of the Church Land Commission in Sào Mateus, Mercedes das Graças Rafalski, two other CPT members in the State of Espiritu Santo, Derli Casali and Damiâo Sanchez and the bishop of Sâo Mateus, Dom Aldo Gerna.

45. It was further reported that several Yanomami Indians had been killed in two separate incidents, in June and August 1989, by heavily armed mining prospectors (garimpeiros). Both incidents had reportedly occurred in the State of Roraima, and it was alleged that the authorities supported the advance of gold searchers and mining companies into Yanomami lands. The first incident, occurring in the Xidea area, near the headwaters of the Orinoco and Mucajai rivers, had later been reported to the Federal Police in Boa Vista. The second, occuring on 11 August, near the DOCEGEO air-strip, had been reported to the military detachment at the Surucucus indigenous post on 15 August. No report had been received as to any action taken by the authorities.

46. By those letters, the Special Rapporteur requested information on the above-mentioned cases and on any investigations made and any measures taken by the authorities and/or the judiciary to establish the facts and to bring those responsible to justice.

47. On 19 December 1989, a cable was sent to the Government of Brazil concerning the allegation of collusion of law enforcement and judicial authorities in the activities of armed criminal gangs in Itaituba, State of Pará. According to the information, persons formulating complaints in this regard had been threatened and some whose names had appeared on so-called "death lists" had been killed, including former State Deputy Paulo Fontelles and the socialist State Deputy Joao Batista. Most recently, Raimundo Silva de Souza, town councillor in Itaituba, was killed on 28 July 1989 and José Marciao Ferreira on 23 November 1989. The names of six persons who had been threatened with death were given as follows: Ademir Andrade, Brazilian Socialist Party (PSB) Federal Congressman for Pará State; Edson Botelho, PSB Deputy Mayor of Itaituba; Israel Santos, PSB town councillor, Itaituba; Francisco Rodrigues Filho, PSB President, Itaituba; Raimundo José de Oliveira, PSB member, Itaituba, and Nivaldo, Workers Party (PT) member, Itaituba. It was further alleged that the State authorities in Itaituba had consistently failed to investigate such killings by armed criminal gangs.

48. The Special Rapporteur expressing his concern for the life of the above-mentioned persons, appealed to the Government to investigate the reported cases of killing and death threats and to take all necessary measures to protect the life of those threatened with death.

49. He also requested information on these cases, and in particular on any investigations carried out by the authorities and the measures taken to protect those persons.

50. A letter dated 20 March 1989 was received from the Government of the State of Goiás transmitting information on the attempted killing of Fr. Francisco Cavazzutti and the killing of Nativo da Natividade. According to the letter, the State civil police had arrested the suspects, initiated a police inquiry and channelled it promptly to the judicial authority. In the case of Fr. Cavazzutti, who had partially lost his sight in a murder attempt in Mossâmedes, the offender had been charged with attempted murder, tried and sentenced to 12 years' imprisonment and was serving his sentence. Da Natividade, the president of the Rural Workers' Trade Union in the region, had been killed in Carmo de Rio Verde. It was stated that after a police inquiry, the case had been brought before the court of that judicial district. On an appeal by the prosecutor to a higher court, the case had been submitted for trial by jury.

51. On 8 November 1989, a reply was received from the Government of Brazil to the Special Rapporteur's letter of 9 November 1988 (see E/CN.4/1989/25, paras. 46-48), reiterating the Government's understanding that it considered as summary or arbitrary executions only those cases in which government officials were actually involved. With regard to the cases communicated by the Special Rapporteur's letter, the reply stated that they had been dealt with by the competent authorities, that some of them had been investigated, resulting in the trial and sentencing of those responsible, and that others were still being investigated by the competent authorities, with judicial proceedings opened by the Council for the Defence of the Rights of the Human Person (CDDPH) of the Ministry of Justice. Some of the above-mentioned cases were then described as follows:

> State of Pará
>
> With regard to the cases of Antonio Bispo dos Santos, Paulo Fontelles de Lima, Joâo Moreira de Souza and Raimundo Pereira do Nascimento, the CDDPH had opened proceedings and requested the Secretary of Public Security of the State of Pará for investigation. With regard to the case of Sebastiâo Pereira de Souza, the investigation had resulted in the indictment of two persons who still remained at large.
>
> State of Goiás
>
> With regard to the case of Wellington Carlos Zalik (Zalique) Lima, on 7 June 1988 a person had been found guilty and sentenced to 15 years' imprisonment. On 16 February 1989, the First Criminal Chamber of the State of Goiás had refused his appeal and confirmed the original judgement. With regard to the cases of Vilmone Campos da Silva and José de Deus Francisco do Nascimento, a person had been indicted, a warrant of preventive detention had been issued against him, but he remained at large.
>
> State of Pernambuco
>
> With regard to the case of Evandro Cavalcanti Filho, a person had been indicted on a charge of homicide.

State of Minas Gerais

With regard to the cases of Rosalvo Gomes de Oliveira, José Pereira dos Santos and Manoel Fiuza da Silva, according to the president of the Tribunal of Justice of the State of Minas Gerais, five persons had been found guilty on 29 September 1988.

52. On 9 November 1989, a reply was received from the Government of Brazil to the Special Rapporteur's letter of 19 May 1989 stating that the cases of Antonio Guilhermino de Oliveira, José Francisco Avelino and João Carlos Batista were still under investigation by the competent authorities.

53. With regard to the case of Francisco Alves Mendes Filho, it was stated that the State Government of Acre had provided him with two military policemen as bodyguards; that on 22 December 1988, judicial proceedings had been opened by the Xapuri police, State of Acre; that the Secretary of Public Security of the State of Acre had ordered the transfer of a number of military police to Xapuri to reinforce the ongoing investigation; that on 26 December 1988 a person had turned himself into the police and confessed to the killing, that on the following day another person had been detained, and that on 7 January 1989 a third person had turned himself into the police. On 21 January 1989, two of the above-mentioned suspects and another person who was still at large had been indicted for homicide. The two were said to be held in detention in Rio Branco, State of Acre. Criminal proceedings were said to be under way.

54. With regard to the case of Severina Rodrigues da Silva, the reply stated that, after an investigation by the authorities of the State of Paraíba, two persons had been indicted for the murder.

55. On 9 November 1989, a reply was received from the Government of Brazil to the Special Rapporteur's letter of 24 July 1989 transmitting information on some of the cases communicated in that letter. The reply reiterated the Government's position that only those cases in which government officials were actually involved were considered as summary or arbitrary executions.

56. With regard to the cases of Joseph Maria Ferreira Alves, João de Deus Ferreira, Raimundo Benício de Moura, Antonio Ainton and Cleide Fondes, it was stated that official inquiries had started and that the CDDPH was following the development of the investigations. With regard to the case of Antonio Eden John de Souza, an official inquiry had been closed due to lack of evidence.

57. With regard to the case of João Almeida do Nascimento, it was stated that the CDDPH had requested the Attorney-General of the State of Sergipe for information on the official proceedings. With regard to the case of José Rente do Nascimento, it was stated that, on 25 July 1989, upon completion of an investigation by the Federal Police, the president of the Union of the Timber Industries of the State of Acre and two other persons had been indicted.

Bulgaria

58. On 23 June 1989, the Special Rapporteur sent a cable to the Government of Bulgaria concerning the allegation that, during the second half of May 1989, several persons of Turkish ethnic background had been killed by Bulgarian security forces in the north-eastern and southern parts of the country. It was alleged that security forces had indiscriminately opened fire at peaceful demonstrators and resorted to severe beatings of ethnic Turks. The names of some of the victims of such incidents were given in the cable.

59. The Special Rapporteur, having received expressions of fear that further deaths might occur in the context of the ethnic unrest, appealed to the Government to take all necessary measures to prevent further deaths and to ensure the safety and physical integrity of all persons of Turkish ethnic background, and requested information concerning the above-mentioned incidents and cases, and in particular on the investigations carried out by the authorities on those cases.

60. On 25 July 1989, a reply was received from the Government of Bulgaria stating that in Bulgaria there were Bulgarian Muslims but no "Turkish ethnic minority" and that no mass or arbitrary executions were conducted in Bulgaria. Civil disturbances had occurred in various regions of the country in late May 1989, provoked by Turkey, many innocent people had been violently assaulted and attacks had been made on local municipal officials and the local population, staged by extremists and terrorist elements, and in no sense had the demonstrations been peaceful. Inquiries had confirmed that the use of weapons had been in legitimate self-defence. The reply described 12 such disturbances. So far a total of 7 persons were known to have died and 28 wounded, and the investigation of those cases was not yet completed. A list of the seven dead was attached to the reply. One person had died in hospital after being trampled upon by a mob on 20 May 1989 in Kaolinovo, Varua regional district, two had died in hospital after being wounded on 21 May 1989 in Todor Ikonomovo by ricochets when the mob tried to wrench firearms from the security forces, two had died in hospital after being seriously wounded in a violent clash on 23 May 1989 in Ezerche, Hlebarovo municipality, Razgrad regional district, one had been killed in a clash on 27 May 1989 in Medovets, Dalgopol municipality, Varna regional district, and another had died later in hospital.

Burundi

61. On 24 July 1989, the Special Rapporteur sent a letter to the Government of Burundi concerning allegations that in March and April 1989 a number of persons belonging to the Hutu population had been killed by the security forces. According to the information received, those persons were among those who had left the country following the incidents of August 1988 and had subsequently been repatriated under agreements concluded between the Office of the United Nations High Commissioner for Refugees and the Governments of Burundi, Rwanda and Zaire. Twelve cases were mentioned in the letter.

62. The Special Rapporteur requested information on those allegations, in particular on any investigations by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths.

63. On 1 August 1989, a reply was received from the Government of Burundi to the Special Rapporteur's letter of 24 July 1989 stating that the quadripartite agreements concluded between Burundi, Rwanda, Zaire and UNHCR were scrupulously observed, under the supervision of UNHCR, and that the refugees who had been in Rwanda after the events of August 1988 were steadily being repatriated and resettled. The reply further stated that two of the 12 persons described in the Special Rapporteur's letter were alive, namely, Miruho Michel, a teacher from Bwinyana, and Bukuru Balthazar, Director General of Burundi Press Publications in the Ministry of Information. It was also stated that other reports of murders or disappearances spread about by a non-governmental organization had turned out to be pure fiction.

64. On 18 August 1989, another letter was received transmitting additional information concerning some of the cases communicated by the Special Rapporteur, as follows:

> Bukuru Stéphane, farmer of Ntega, alive at his home;
>
> Bukuru Balthazar, catechist from Sasa, Ntega commune, died during the disturbance in August 1988;
>
> Miburo Marthe, farmer of Sasa, her fate unknown in the commune;
>
> Ntaconsanze, convicted of theft after repatriation, escaped from prison in Kirundo and returned to Muhero camp in Rwanda;
>
> Nkundabanyanka Thomas, from Sasa, died during the disturbance in August 1988.

65. The following cases had not been known by the Special Rapporteur, but were referred to in the Government's reply:

> Biduguru Kigaga, bar employee from Ntega, alive;
>
> Samandari, farmer of Ntega, alive;
>
> Nyabenda Jérémie, from Ntega, convicted of theft, escaped from prison in Kirundo and returned to Rwanda;
>
> Ngorwa Stany, farmer of Ntega, died of natural causes before August 1988;
>
> Ndururuste Murungurira, farmer, alive.

66. The reply stated that the other alleged cases of death were being investigated by the competent authorities.

Cameroon

67. On 14 November 1989, the Special Rapporteur sent a letter to the Government of Cameroon transmitting allegations that in late June or early July 1989 Augustin Bandin had been sentenced to death by the High Court in the town of Kumbo in the North-West Province on a charge of aggravated theft. The offence was said to have consisted in breaking into a bar and stealing musical equipment. Neither arms nor violence against persons were reported to have been used during the commission of the offence. The death sentence had allegedly been pronounced on the basis of article 320 (1) (C) (New) of the Penal Code, as amended in 1972, for "aggravated theft", which included "theft with force, bearing weapons or by breaking in, by climbing in, or by the use of a false key". It was claimed that application of the death penalty for the broadly defined "aggravated theft" did not conform to the provisions of article 6, paragraph 2, of the International Covenant on Civil and Political Rights.

68. In addition, it was alleged that, during the past several years, large numbers of prisoners had died of malnutrition and disease at Nkondengui prison in Yaoundé, due to deliberate deprivation of adequate medical attention or as a result of serious negligence. During certain periods in 1987 and 1988, as many as four or five prisoners were alleged to have been dying every day. In December 1987, 44 prisoners had allegedly died, 42 of whom of malnutrition. Sick prisoners were allegedly denied appropriate medical care unless they could pay.

69. The Special Rapporteur requested information on those allegations, in particular on any investigations by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths.

70. At the time of preparation of the present report, no reply had been received from the Government.

Chad

71. On 30 June 1989, the Special Rapporteur sent a cable to the Government of Chad concerning the information that some 100 persons, all belonging to the Zaghawa ethnic group, had been arrested at Ndjamena in April 1989, following an attempted *coup d'état*. They were reported to have included Dr. Zakaria Fadoul, Saleh Fadoul, Ali Fadoul, Mahamat Fadoul, Yacoub Fadoul and Mahamat den Fadoul, all brothers of Mr. Sidik Fadoul, a former chief of the military police who had been arrested in 1988. Many of those persons were reported to have been arbitrarily arrested because of their ethnic origins and kinship with government opponents. According to the reports received, several detainees suspected of anti-government activity had been executed without trial in recent years. Others had died following maltreatment in custody.

72. In the light of those reports, the Special Rapporteur, expressing his concern for the lives and safety of the above-mentioned persons, appealed to the Government to ensure that the right to life of all detainees be respected in accordance with the provisions of the International Covenant on Civil and Political Rights, particularly article 6, which stipulated that no one shall be arbitrarily deprived of his life, and requested information on the above-mentioned cases, particularly with regard to any inquiries made or any measures taken to guarantee the right to life of the persons concerned.

73. On 24 August 1989, another cable was sent concerning 13 other persons from the Zaghawa ethnic group who were said to have been arrested under the same circumstances as those described in the Special Rapporteur's cable of 30 June 1989, and to have been held incommunicado, without any charge. The names of the 13 were given in the cable.

74. The Special Rapporteur, having received expressions of fear about their fate, reiterated the appeal and request made in his previous cable.

75. At the time of preparation of the present report, no reply had been received from the Government of Chad.

Chile

76. On 24 July 1989, the Special Rapporteur sent a letter to the Government of Chile transmitting allegations of killing of Salvador Fidel Cautivo Ahumada, aged 26, by the corps of Carabineros. The killing had allegedly occurred on 31 December 1988 shortly before midnight, when members of the Carabineros fired on a group of young people who were painting a wall on the flyover of the Tucapel roundabout, Arica, Chile.

77. On 30 October 1989, another letter was sent to the Government of Chile transmitting the allegations that in the past year there had been a number of cases of killings presumably attributable both to members of the security forces and to persons acting with their support or connivance. The cases are the following:

(a) The case of Antonio Oviedo Sandova Cares, on 30 August 1989, in Santiago, district of La Granja;

(b) The case of Edison Freddy Palma Coronado, on 30 August 1988, in Santiago;

(c) The case of Enrique Abelardo Moraga Muñoz, on 10 September 1988, in Santiago;

(d) The case of Guillermo Eugenio Rodríguez Solís, on 20 December 1988, in Santiago;

(e) The case of Jaime Quilán Cabezas, on 29 December 1988, in Santiago;

(f) The case of Jorge Germán Maldonado Velásquez, on 21 January 1989 in Santiago;

(g) The case of Deckar Meghme, on 4 September 1989, in Santiago.

78. In both letters, the Special Rapporteur requested information on those allegations, in particular on any investigations by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths.

79. On 14 November 1989, a cable was sent to the Government of Chile concerning the allegation of death threats directed at Judge René García. According to the information, Judge García had been threatened because of his investigation into alleged cases of torture by members of the Central Nacional de Información (CNI). During the past years, hundreds of persons were said to have received death threats from clandestine groups consisting of members of the security forces and civilian collaborators.

80. The Special Rapporteur appealed to the Government to take all necessary measures to ensure the safety of Judge René García and requested information on the result of any investigation into the case and also on the measures taken by the Government.

81. On 14 August 1989, a reply was received from the Government of Chile to the Special Rapporteur's letter of 24 July 1989, transmitting information on the case in question.

82. According to the reply, on 31 December 1988, at 10.15 p.m., the Carabineros prefecture at Arica had received a telephone call to the effect that a group of people were painting the walls of the lower level of the Tucapel circular flyover in that city. When a police van from the third Carabineros station at Arica arrived at the scene at 10.20 p.m., a group of about 10 persons who had been painting communist slogans on the walls of the lower level of the flyover fled, while another group, on the upper level, fired several shots at the police van, seriously wounding the sergeant. A police officer was said to have shot back at the upper level of the Tucapel circular flyover from the van. It was further stated that at 10.40 p.m. Salvador Fidel Cautivo Ahumada, a communist activist wounded by gunshot, was transported to the local station and died while receiving treatment.

China

83. On 26 April 1989, the Special Rapporteur sent a letter to the Government of China concerning alleged killings of persons by police forces in the Tibet Autonomous Region, as follows:

(a) On 23 March 1988, upon notification by the authorities, the relatives of Tenzin Sherap, a truck driver, who had been arrested in connection with the 5 March 1988 riot, found his body at one of the Lhasa municipal morgues. His body allegedly showed various signs of severe torture;

(b) During the three-day unrest which started on 5 March 1989 in Lhasa, some 200 Tibetans had allegedly been killed as a result of indiscriminate, unprovoked shooting without warning by the People's Armed Police on unarmed demonstrators and bystanders. The official number of deaths during the three-day unrest was given as 16, including a policeman. However, according to numerous eyewitnesses, the police had first thrown bottles from the rooftops at the demonstrators, who reacted by throwing rocks, but no shots had been fired by the demonstrators. It was also alleged that more persons had died in the following days due to injuries sustained during the unrest, or in random shooting by police during raids on Tibetan houses. The total number of deaths was said to be at least 600. The names of 14 persons were mentioned as being among the victims;

(c) With regard to the cases of four Tibetans allegedly involved in the killing of a policeman during the demonstration on 5 March 1988 in Lhasa, referred to in the Special Rapporteur's cable to the Government dated 10 June 1988 (E/CN.4/1989, para. 68), Lobsang Tenzin, one of the four, had reportedly been sentenced to death, with suspension of execution for two years, on 19 January 1989, by the People's Court in Lhasa. It was alleged that, while in pre-trial detention, Lobsang Tenzin had been severely beaten to force him to admit guilt. It was also alleged that before and during the trial the defendant was not provided with the safeguards intended to ensure the basic rights of the defendant as stipulated in article 14 of the International Covenant on Civil and Political Rights, including the right to be presumed innocent until proved guilty, the right to a fair and public trial by an independant and impartial tribunal, the right to have adequate time and facilities for the preparation of his defence, and the right to examine or have examined the witnesses against him.

(d) With regard to the alleged deaths on 10 December 1988 in Lhasa referred to in the Special Rapporteur's cable to the Government dated 12 December 1988 (E/CN.4/1989/25, paras. 70-71), new information had been received contradicting the Government's reply of 29 December 1988. In the Government's reply it was stated that the Tibetan demonstrators had thrown stones and bottles at the policemen, that, after repeated unsuccessful admonitions, the police had been forced to fire warning shots and that, in the ensuing chaos, one monk had been killed and 13 injured, all except two of whom had suffered only minor injuries and received timely treatment. However, the new information alleged that indiscriminate shooting had begun, without warning, immediately after the People's Armed Police appeared in the Jokhang Square and that, on the day before the incident, people had been warned in neighbourhood committee meetings that they would be gunned down if they demonstrated. It was also alleged that at least 18 persons had been killed and 50 injured, of whom several more died later.

84. The Special Rapporteur requested information on these allegations and in particular on any investigations by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths, and, in the case of the death sentence, on the legal proceedings under which the person in question had been sentenced to death.

85. On 5 June 1989, a cable was sent to the Government of China concerning the incident in Beijing on 4 June 1989 in which a large number of persons were reported to have been killed as a result of military operations. According to the information received, Government troops had indiscriminately shot at unarmed peaceful demonstrators and residents, and tanks had crushed the tents set up by demonstrators on Tiananmen Square, killing some of those who were inside. It was also alleged that a number of the victims had been deliberately killed by troops or crushed by army vehicles. In addition, on 5 June 1989, in Chengdu, Sichuan Province, some 350 peaceful demonstrators had been killed by troops in a similar manner. The total number of victims was said to be in the thousands.

86. The Special Rapporteur expressed his serious concern that further deaths might occur as a result of similar military action, and appealed to the Government to take all necessary measures to prevent further deaths of civilians and to protect the right to life of the individual as provided for in article 6 of the International Covenant on Civil and Political Rights. He

referred also to the Code of Conduct for Law Enforcement Officials, adopted by the General Assembly in its resolution 34/169 of 17 December 1979, in particular to article 3 of the Code which stated: "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty", and to the commentary to the article. He requested information on the above-mentioned incidents, and in particular on the measures taken by the Government to prevent further deaths of civilians.

87. On 16 June 1989, another cable was sent to the Government of China concerning information that several hundred students had been shot dead in a summary manner between 4 and 6 June by troops searching for student leaders and teachers in several Beijing university campuses, including Beijing University, Dinghoa University and Beijing Teachers' College.

88. It was further alleged that, on 15 June 1989, in Shanghai, three persons had been sentenced to death after being convicted on charges of sabotage by setting a train on fire on 6 June, after it had run over demonstrators and killed six persons. According to those allegations, the trial had been held in accordance with the procedure adopted in 1983 for death penalty cases of "criminals who seriously endanger public security", and during the trial the rights of the accused had not been fully guaranteed as provided for in article 14 of the International Covenant on Civil and Political Rights.

89. The Special Rapporteur, having received expressions of fear that more killings and death sentences might follow, appealed again to the Government to take all necessary measures to protect the right to life of all the individuals concerned and requested information on the above-mentioned incidents and cases.

90. On 20 June 1989, another cable was sent to the Government of China concerning information received that eight persons had been sentenced to death by the Intermediate People's Court in Beijing on 17 June on charges of wounding soldiers, stealing weapons and burning buses and military vehicles during the military action in Beijing on 4 June 1989. The names of the eight persons were mentioned in the cable.

91. According to the report, the trial leading to the death sentences of the eight had been held in accordance with the criminal procedure adopted in 1983 and had been of a summary nature.

92. It was further alleged that over 1,000 persons had been arrested in the previous two weeks in connection with the incidents in June 1989 in Beijing and other provincial cities, and accused of criminal offences which could be punished by death. The Special Rapporteur, having received expressions of fear that several of the arrested might be sentenced to death in summary trials and executed shortly, appealed again to the Government to ensure that the right to life of all concerned be protected, and in particular to stay execution of those who had been sentenced to death, and requested information on the above-mentioned cases.

93. On 23 June 1989, another cable was sent to the Government of China expressing the utmost concern of the Special Rapporteur concerning the report that the three persons sentenced to death in Shanghai, and seven of the eight persons sentenced to death in Beijing, who had been the subject of his earlier appeals, had already been executed. As had been pointed out earlier, it was

alleged that their trials had been held in accordance with the criminal procedure adopted in 1983 and that that procedure did not provide the safeguards to protect the rights of the accused as provided for in article 14 of the International Covenant on Civil and Political Rights. In addition, the Special Rapporteur referred to a report that 17 persons had been sentenced to death and executed in Jinan on 21 June 1989, again as a result of trials of a summary nature.

94. The Special Rapporteur also described several other cases connected with incidents of public unrest. According to information received, several persons had been arrested and charged with offences punishable by death, 10 persons arrested in Shanghai, 2 persons arrested in Beijing, 2 persons arrested in Harbin and 4 persons arrested in Wuhan. The names of the 18 were mentioned in the cable.

95. The Special Rapporteur, expressing his concern for the fate of the above-mentioned detainees and of others who might have been arrested and charged with similar offences, urgently appealed to the Government to protect the right to life of all persons detained in connection with the recent events and, in particular, to exercise clemency for those who might be sentenced to death. He also requested information on the cases in question.

96. On 13 July 1989, another cable was sent to the Government of China concerning a report that two persons, Wang Guiyuan and Zhou Xiangcheng, had been sentenced to death on 1 July 1989 at a public rally in Chengdu, Sichuan province, after being found guilty by the Chengdu Intermediate People's Court of setting fire to vehicles during the rioting in the city on 5 June 1989. According to the report, the cases were subsequently reviewed by the Sichuan Higher People's Court.

97. In view of several reports that the procedures applied by the courts did not meet the standards safeguarding the rights of the accused as provided for in article 14 of the International Covenant on Civil and Political Rights, the Special Rapporteur expressed his concern for the fate of the above-mentioned persons. He appealed to the Government to protect their right to life and, in particular, to consider exercising clemency for them, and also requested information on those cases and especially on details of the legal procedure followed in the trials in which the courts had ruled on the application of the death penalty.

98. On 2 November 1989, another cable was sent to the Government of China concerning the allegation that a person named Tseten Norgye, who had been allegedly detained at Chakpori detention centre in Lhasa since April or May 1989, might be facing execution. According to the information, Tseten Norgye had been arrested when the police searched his home and found a mimeograph machine allegedly used for printing literature about the independence of Tibet. No formal charge was known to have been made against him.

99. In view of several recent allegations that, after the unrest in Lhasa in March 1989, a number of Tibetans had been summarily executed for their political activities in Tibet, the Special Rapporteur expressed his concern for Tseten Norgye's fate and well-being. He appealed to the Government to take every measure to protect his right to life and requested information on his case and, in particular, on details of the legal proceedings held concerning his case.

100. On 3 July 1989, a reply was received from the Government of China to the Special Rapporteur's cables of 5, 16 and 20 June 1989 concerning incidents and cases of death sentence and executions in the context of the unrest in various parts of China in June 1989. According to the reply, a counter-revolutionary rebellion had erupted in Beijing on 3 and 4 June 1989. A very small number of ruffians had started the rebellion in an attempt to overthrow the Government and topple the socialist system in China, and people not knowing the truth had been instigated and incited to join them in assaulting, beating, kidnapping and mutilating officers and men of the People's Liberation Army (PLA), the police and public security personnel who were enforcing martial law in Beijing under order.

101. It was further stated that they had smashed and burned military vehicles, seized weapons and ammunition, attacked government and party institutions, looted shops, impeded public transport and set buildings on fire, and that, under those circumstances, the martial law enforcement troops had taken measures to put down the rebellion. This had been a just action aimed at defending the law and social order and protecting the life and property of the people, and endorsed and supported by the people in Beijing and throughout the country.

102. With regard to the incident in Beijing, the reply stated that, in the small hours of 4 June, when the students had left Tiananmen Square, no one had been killed, let alone crushed by tanks. It was stated that the troops, while marching into the city, had been besieged and attacked by ruffians, and could not but resort to emergency measures to quell the rebellion, and that although the troops had exercised the maximum restraint to avoid injuring the masses nearby, some civilians had nevertheless been inadvertently wounded as the ruffians were mingled in the crowd, which was an unavoidable mishap.

103. According to the reply, initial calculations showed that, in the outbreak of the rebellion in Beijing, which had begun on 3 June, over 6,000 PLA officers and men and over 3,000 rioters and masses had been wounded; and that the death toll of army men was in the dozens and that of ruffians, students and civilians over 200.

104. The reply also stated that, in quelling the rebellion, the PLA, the police and public security personnel of China had by no means violated the norms stipulated in the Code of Conduct for Law Enforcement Officials adopted by the General Assembly resolution 34/169.

105. With regard to the allegation that some 350 people had been killed by troops in Chengdu, Sichuan province, the reply denied it by stating that, on 5 June, a group of ruffians had engaged in wanton beating, smashing, looting, burning and other criminal acts in Chengdu, that the public security personnel and police had punished the handful of thugs and arrested a number of criminals on the spot, and that these had been necessary measures for maintaining the Constitution, protecting the interests of the people and stabilizing social order.

106. According to the reply, social order had been quickly restored and the people were leading a normal life since the enforcement of martial law in Beijing; the allegation that further deaths might occur as a result of military action was therefore totally unfounded.

107. The reply further stated that only those who had broken the criminal law had been brought to justice, that the judiciary organs followed the principle of taking facts as a basis and law as a yardstick and tried their cases and meted out punishment strictly through legal proceedings, and that there had been no summary executions.

108. With regard to the three cases of death sentence and execution in Shanghai, the reply stated that, on the evening of 6 June, some thugs, taking advantage of a railway accident, had created a serious riot by burning a passenger train, assaulting and beating officers and men from public security organs, fire department and police, and that, as a result, nearly 100 officers and men had been wounded, and nine train carriages, six police motorcycles and a large amount of mail burned. It was also stated that, on 15 June, three criminals, Xu Guoming, Bian Hanwu and Yan Xuerong, found guilty of the above crimes, had been sentenced to death by the Shanghai Intermediate People's Court, that those criminals had appealed against the judgements and that, on 20 June, the Shanghai Higher Peoples's Court had rejected their appeals and confirmed the original judgement.

109. With regard to the eight cases of death sentences in Beijing, the reply stated that the cases concerned persons engaged in assault, rampage, looting and burning during the counter-revolutionary rebellion, that, on the basis of hard evidence, the Beijing Intermediate People's Court had sentenced the eight criminals to death on 17 June, that seven of the eight had appealed to the Beijing Higher People's Court and that the Beijing Higher People's Court had made a thorough review of the facts and evidence, of the application of the law as well as of the entire judicial procedure, and concluded that the original judgement was correct, the punishment meted out appropriate and the judicial procedure lawful, and had therefore rejected the appeals and confirmed the original judgement.

110. On 14 September 1989, a reply was received from the Government of China to the Special Rapporteur's cable of 13 July 1989 concerning two cases of death sentence in Chengdu, Sichuan province.

111. The reply stated that the two persons were criminals who had committed arson and caused great losses to public property, the circumstances being especially serious, and that they had been sentenced to death at the first trial by the Intermediary People's Court of the Chengdu Municipality and executed after examination and approval by the Higher People's Court of Sichuan Province. It was also stated that very strict restrictions were placed on the application of the death penalty in Chinese law, that the criminal law not only provided for the scope of application of the death penalty and criteria for sentencing to the death penalty, but also provided in detail for the judgement, approval and execution procedures for the death penalty in criminal proceedings and that according to the procedure, except for judgements pronounced by the Supreme People's Court in accordance with the law, all sentences of death should be submitted to the Supreme People's Court for approval.

112. It was further stated that, in accordance with the provisions of the Organizational Law of the Court of the People's Republic of China, the Supreme Court had decided, in 1983, to empower the higher people's courts of the provinces, autonomous regions and municipalities directly under the Central Government to examine and approve the death penalty in cases seriously endangering public security and social order, such as intentional killing.

113. The reply stated that arson constituted a crime seriously undermining social order, that, according to the criminal law, "whoever sets fires that lead to people's serious injuries or death or cause public property to suffer major losses is to be sentenced to not less than 10 years of fixed-term imprisonment, life imprisonment or death" (art. 106), and therefore that the approval of the death sentences of the two arsonists by the Higher People's Court of the Sichuan province had been in full conformity with Chinese law and was not in violation of the relevant provisions of the International Covenant on Civil and Political Rights.

Colombia

114. On 13 February 1989, a cable was sent to the Government of Colombia concerning alleged death threats to Angela Tobon Puertas, president of the Association of Secondary School Teachers of Antioquia.

115. In view of a number of similar reports in previous months that persons had been killed by paramilitary groups after receiving death threats, the Special Rapporteur expressed his concern for the life of Angela Tobon Puertas, appealed to the Government to take the necessary measures to protect her life and requested information on the case.

116. On 13 March 1989, a letter was sent to the Government of Colombia concerning the alleged activities in Colombia of unidentified individuals or paramilitary groups that had resulted in the assassination of individuals after repeated threats. These activities were allegedly primarily directed against members and leaders of left-wing political movements, trade union federations, civic organizations in general, and even officials of the judiciary.

117. According to information received, the circumstances indicated possible links between these paramilitary groups and members of the security forces, which might have allowed these groups to act with impunity. In most instances, conclusive investigations of the facts were allegedly not carried out.

118. The Special Rapporteur described six such cases as follows:

(a) Killing of Teófilo Forero, labour leader, executive of the Communist Party and his wife, Leonilde Mora, José Antonio Sotelo, member of the Central Committee of the Communist Party, and José Antonio Toscano, driver of the vehicle in which they were travelling, on 27 February 1989, in Bogotá by individuals belonging to paramilitary groups;

(b) Killing of José Anequera, leader of the Patriotic Union (UP), on 3 March 1989, in Bogotá Airport by paramilitary elements;

(c) Killing of Luis Eduardo Yayas, President of the Metalworkers' Trade Union Federation and a member of the national Executive Committee of the Unified Federation of Workers (CUT), in Villavicencio, Meta, on 23 February 1989 by individuals belonging to a paramilitary group;

(d) Killing of Gladys Naranjo Jaramillo, member of the UP, Secretary of the municipal council of Remedios, Antioquia, on 21 February 1989, in Monte Blanco, Remedios. Her husband, Alfredo Gómez Doria, a UP adviser, was also murdered on 19 September 1988 by unidentified persons;

(e) Killing of Francisco Dumer Mestra, Avianca employee, leader of the Córdoba Workers' Trade Union Federation, member of the National Executive Committee of the CUT, on 13 February 1989, in Montería, Córdoba;

(f) Killing of 11 persons, all members of a police investigation commission, on 18 January 1989 by a group of armed men, some of them wearing military uniforms, in the area of La Rochea, San Vincente de Chucuri, Santander. The commission had been sent to the Magdalena Medio region for the purpose of investigating a series of massacres, political assassinations and disappearances that had taken place there and for which various paramilitary groups and members of local military brigades appeared to be responsible. The victims were: two magistrates, two court clerks, a police investigator, four members of the police technical unit and two drivers.

119. In addition, it was alleged that representatives of the Association of Relatives of Missing Persons, political parties and trade union federations who spoke about the situation before the Commission on Human Rights had been threatened. Their names were given as follows: Rita Ivonne Tobon, mayor of Segovia; Aida Abella and Héctor José López, members of the CUT Executive Committee; and Gloria Mancilla de Díaz, president of the Association of Relatives of Missing Persons.

120. The Special Rapporteur expressed concern about the existence and dimensions of this phenomenon and requested information on the legal and other steps taken by the Government to combat the activities of paramilitary groups, on preventive measures to protect the lives of those under death threats and also on the investigations carried out and steps taken by the authorities, including the judiciary, to bring to trial the persons responsible for the threats and assassinations.

121. On 26 May 1989, another cable was sent to the Government of Colombia concerning alleged death threats against Alvaro Enrique Villamizar Mogollon, president of the Cristian Roa Human Rights Committee, at the Industrial University of Santander in Bucaramanga, Department of Santander, and of the University's trade union. According to information received, Villamizar Mogollon and his family had been the victims of harassment since 1987, on 15 April 1989 his house had been searched by members of the Departamento Administrativo de Seguridad (DAS) and uniformed soldiers from the Fifth Brigade, and Villamizar and his fellow worker had been taken to the Fifth Brigade headquarters for interrogation and further harassment. Villamizar had subsequently submitted a complaint to the Regional Procurator of Bucaramanga and requested official protection.

122. The Special Rapporteur, in view of past reports that several students and employees of the Industrial University of Santander had been killed after receiving death threats or been harassed, expressed his serious concern for the life of Alvaro Enrique Villamizar Mogollon. He also appealed to the Government to take the necessary measures to protect his life and requested information on the case, in particular on the results of the official investigation and the measures taken by the authorities.

123. On 5 July 1989, another cable was sent to the Government of Colombia concerning alleged death threats and a bomb attack directed at Ricardo Rodriguez Henao, vice-president of the Union Patriótica (UP) for the department of Meta. Rodriguez Henao had been reportedly investigating the

killing of Luis Eduardo Yaya, a trade unionist and a UP councillor, in February 1989, and had also been involved in the investigation of a massacre of civilians which had occurred in the region in February 1989. In both cases paramilitary groups were alleged to be responsible for the killings. According to the information, Rodriguez had received a death threat on 25 May 1989, and on 23 June 1989 his appartment building in Villavicencio had been destroyed by a bomb explosion, although he and his family escaped unhurt.

124. The Special Rapporteur appealed to the Government to take all necessary measures to protect Rodriguez Henao and requested information on the measures taken in that regard.

125. On 24 July 1989, another letter was sent to the Government of Colombia concerning violations of the right to life with the description of 18 cases of killing, three cases of attempted killing and seven cases of death threats, as follows:

Cases of killing

(a) Emilio Montalvo, on 22 February 1989 in San Andrés de Sotavento, Comuna Molina;

(b) Sister Teresa de Jesús Ramirez Vanegas, a nun belonging to the order of Hermanas de la Compañía de María - Nuestra Señora La Enseñanza and to the Teachers' Union of the Department of Antioquia (ADIDA) on 28 February 1989 in the high school at Cristales, Municipality of San Roque, Antioquia;

(c) Jorge Luis Garcés Castillo, high school teacher in the town of Miraflores, Municipality of Mistrato, Risaralda and leader of the Union Patriótica, on 12 March 1989;

(d) Luis Alberto Cardona Mejía, teacher at the National University of Manizales, president of the Caldas Unión Patriótica and of the Gran Caldas Human Rights Committee, on 4 April 1989, in a local train between Chinchina, Caldas and Santa Rosa, Risaralda;

(e) León Dario Avendaño Palacio and Argiro Alonso Avendaño Palacio, on 11 April 1989;

(f) Libardo Antonio Rengito, leader of the Sindicato Agrario Palestina (Palestina Farming Union), shot on 29 April 1989 and died in Manizales Hospital on 12 May 1989;

(g) Jose Juaquin Vergara Bohórquez, a member of the Unión Sindical Obrera (Workers' Trade Union), on 30 April 1989 in Barrancabermeja;

(h) Esperanza Díaz, trade union leader, on 30 April 1989;

(i) Alvaro González Sánchez, a prominent member of the Liberal Party, on 4 May 1989 in the centre of Bogotá;

(j) Dora Bolívar, aged 16, who had disappeared on 13 May 1989, found dead with signs of torture in Peñalisa, Municipality of Salgar;

(k) Adolfo Pérez Arosemana and Carlos Enrique Morales, journalists and members of the Central Workers' Union of Colombia (CUT) of the Department of El Valle. Their bodies, showing signs of torture, were found in Calí on 21 May 1989, a day after their disappearance;

(l) Humberto Blanco, teacher and member of the Sindicato de Maestros de Magdalena (Teachers' Union of Magdalena) and leader of the Ciudad Plata Unión Patriótica on 22 May 1989;

(m) Killing of 17 children during the last week of May and the first week of June 1989, in the streets of Bogotá;

(n) Sergio Restrepo Jaramillo, Jesuit priest of the parish of Tierra Alta, Córdoba, on 3 June 1989;

(o) Hernando Fierro Manrique, lawyer and traffic superintendent in the town of Tuluá, on 3 June 1989;

(p) Orlando Higuita, municipal councillor in Barrancabermeja, member of the Unión Patriótica and of the Central Committee of the Communist Party, in Barrancabermeja on 12 June 1989;

(q) Alejandro Cardona Villa, vice-chairman of the Unión Patriótica in the Department of Antioquiá, on 29 June 1989;

(r) César Arcadio Cerrón, trade union leader, member of El Cauca Human Rights Committee, on 6 July 1989 in Popayán, El Cauca;

Cases of attempted killing

(a) Luis Alberto García, secretary of the Floresta Sta. Rosa indigenous community, and Pedro Chiripua, on 10 February 1989;

(b) Brigadier General Miguel A. Maza Márquez, head of the Departamento Administrativo de Seguridad (DAS) (Administrative Security Department), on 30 May 1989;

(c) Luis Eduardo Galindo, vice-chairman of the National Executive Board of the Unión Sindical Obrera (Workers' Trade Union), on 6 June 1989 in Barrancabermeja;

Cases of death threats

(a) Luis Mayasa, Chairman of the Federation of Workers of El Meta;

(b) Alvaro Villarizar, Chairman of the Union of Workers of the Industrial University of Santander (SINTRAVIS), in Bucaramanga, Santander;

(c) Iván Castellanos, member of the Union of Workers of the Industrial University of Santander (SINTRAVIS) and of the Executive Committee of the Union of Workers of Santander (USITRAS), in Bucaramanga, Santander;

(d) Henry Taite and Iván Gómez Arriza, chairman and vice-chairman of the Regional Executive Board of CUT, in Santa Marta;

(e) Omar Niebles, chairman of the Gremio Regional de Trabajadores Portuarios (Regional Union of Port Workers) and member of the Executive Committee of CUT in Santa Marta;

(f) Gonzalo Castaño and Miguel Cardona, chairman and vice-chairman of the Federación de Trabajadores de Caldas (Caldas Workers' Federation) (FEDECLADAS-CUT) in Caldas;

(g) Members of the executive boards of the trade unions of Curtiembres Titán, Cementos de Valle and Municipales, and leaders of the CUT in the Department of El Valle.

126. On 9 August 1989, another cable was sent to the Government of Colombia concerning the killing of María Elena Diaz Perez on 28 July 1989 and death threats directed at several other judicial officers of Medellín. These judicial officers were said to be: Yadira Ester Cervantes Barrios, Marta Luz Hurtado and Rocio Berrero, respectively magistrates of the seventh and sixth courts of public order and examining magistrate of the third specialized court, as well as Marta Oquendo Rodriguez, Dr. Diaz's legal adviser. According to the information, Dr. Cervantes had been investigating the involvement of military officers of the El Bagre base in the disappearances and killings of peasant leaders, and Dr. Hurtado had been conducting investigations into the Segovia massacre and had accused various members of the military of direct participation in it.

127. The Special Rapporteur appealed to the Government urgently to take all measures at its disposal both to protect the lives of the judicial officers who had been threatened and to ensure the continuity of the investigations into summary or arbitrary executions, and emphasized the importance of clarification by the judicial branch of government of cases falling within its competence and punishment of those guilty of violations of the right to life. He also requested information on the measures taken by the Government.

128. On 6 October 1989, a letter was sent to the Government of Colombia transmitting alleged cases of killing by hired killers or paramilitary groups, supported by members of the security forces or with their connivance, as follows:

(a) Benjamín Sotelo, José Francisco Mantilla Ojeda and José Santos Carepa, members of the Miners [illegible]ion in the town of Ataco, Department of Tolima. It is alleged that on 9 May 1989 they were attacked by hired gunmen who killed the first two persons named and wounded the third;

(b) Teodoro Quintero, legal adviser to the Acuas y Empos Nacionales (SINTRACUEMPONAL) trade union, Bucaramanga, allegedly disappeared on 11 May 1989 at 8.30 a.m. and was found dead shortly afterwards on the road to the town of Piedecuesta, Santander;

(c) Ismael Montes Peña and Evert Manuel Cabrera, a secondary school teacher and a 17-year old pupil, respectively, were allegedly killed by hired gunmen on 26 May 1989 in the Guadual settlement, in the Municipality of Arbolete, Urabá Antioquia. Mr. Montes was a member of the Asociación de Institutores de Antioquia, (Antioquia Teachers Association) ADIDA;

(d) María Elena Díaz Pérez, Third Judge at the Third Public Order Court, a member of the Asociación Nacional de Jueces y Empleados de la Rama Jurisdiccional (ASONAL JUDICIAL) (National Association of Judges and Legal Employees), and responsible for investigations into the Urabá and Córdoba massacres, was allegedly killed by hired gunmen on 28 July 1989 in Medellín;

(e) Manuel José Zapata Carmona and Omar León Gómez Marín, teachers at the University of Antioquia and members of the Asociación de Profesores Universitarios (ASPU) (University Teachers Association), were allegedly killed by hired gunmen on 29 July 1989 in the town of Bello, Antioquia;

(f) Henry Cuenca Vega, a member of the National Governing Council of the CUT, was allegedly killed by three hired gunmen in front of his home in Bogotá at 7.30 p.m. on 30 July 1989;

(g) Gilberto Santana, headmaster of the Algarrobo Corrigimiento College and a member of the Colombian Federation of Educators (FECODE), and of CUT, was allegedly killed on 1 August 1989 at 6 a.m. by hired gunmen in the town of Fundación, Magdalena;

(h) Iván Restrepo and Fidel Roa, respectively a foreman and labourer on the Guatapurí banana plantation and members of the National Union of Farm Workers (SINTRAINAGRO) were allegedly found dead on 1 August 1989 after having disappeared three days previously in the town of Chigorodó, Antioquia;

(i) Daniel José Espitia and Fabio Marulanda Pupo, respectively general treasurer of the Asociación Nacional de Usuarios Campesinos (ANUC) (National Association of Peasant Consumers), and an organizer for the UP political party in Ayapel (Córdoba), were allegedly killed by hired gunmen on 9 August 1989 at 6 p.m. in the district of Cantaclaro, Montería, Córdoba;

(j) Gustavo de Jesús Mira Ramirez, a member of the Asociación de Institutores de Antioquia (ADIDA) (Antioquia Teachers Association), was allegedly killed by hired gunmen on 10 August 1989 as he left the Union's headquarters in Peldar, in Medellín, Antioquia;

(k) Juan Rivera, Vice-president of the Sindicato Unico de Trabajadores de Materiales de la Construcción (SUTIMAC) (Union of Workers in the Building Materials Industry), was killed by hired gunmen on 11 August 1989 in the town of Puerto Nare, Antioquia;

(l) Orlando Roa Grimaldus, a worker in the Santander Energy Company and member of the Sindicato Nacional de Trabajadores Eléctricos de Colombia (SINTRAELECOL) (National Union of Electrical Workers of Colombia), was allegedly killed by hired gunmen during the night of Sunday, 13 August 1989 at his home in Bucaramanga, Santander;

(m) Carlos Enrique Valencia, a judge of the Bogotá Higher Court, was allegedly killed by hired gunmen on 16 August 1989 in Bogotá;

(n) Luis Carlos Galán Sarmiento, a pre-presidential candidate of the Liberal Party, a Senator and founder member of the Permanent Committee for the Defence of Human Rights, was killed, presumably by paramilitary elements on 18 August 1989 while taking part in a political meeting in Soacha, Cundinamarca;

(o) Carlos Arturo Zapata, a councillor of the Frente Popular de Santa Fé, Antioquia, was allegedly killed on 7 September 1989 when he was on the way from Medellín to Santa Fé;

(p) Sebastián Mosquera, an adviser to the Sindicato Nacional de Trabajadores de la Industria del Agro (SINTRAINAGRO) (Agro-industry Workers' Union) and leader of the Central Unitaria de Trabajadores de Colombia (CUT) (United Federation of Workers of Colombia), was allegedly killed on 9 September 1989 by hired gunmen in the region of Urabá, Antioquia;

(q) Henry Bello Ovalle, an active member of his community, was allegedly shot in the head and killed by the commander on duty at the police post in Bosa, Bogotá, during the night of 23 September 1989.

129. On 20 October 1989, during the Special Rapporteur's visit to Colombia, a letter was sent to the Government concerning the following cases:

(a) Rita Ivonne Tobon Areiza, Mayor of Segovia, Department of Antioquia, was under constant death threat. Her brother was said to have been assassinated on 3 August 1989;

(b) Sergio Nuñez, a trade union leader of SINTRAINAGRO in Urabá, was arrested on 14 October 1989 by members of the Pedro Nel Ospina Battalion in San Pedro de Urabá. His detention was denied by the military authorities;

(c) Arturo Salgado Garzón, Manuel Libardo Díaz Navaz and Nilson Mautilla, investigative agents of the Dirección Nacional de Instrucción Criminal and the only survivors of the La Rochela massacre, were threatened with death by a paramilitary group called "Los Masetos".

130. The Special Rapporteur, expressing his concern for their lives, appealed to the Government to take the necessary measures to protect their right to life and requested information on these cases, and in particular on the measures taken by the Government to guarantee their safety.

131. On 10 July 1989, a letter was received from the Government of Colombia transmitting a document prepared by the Office of the Presidential Councillor for the Defence, Protection and Promotion of Human Rights and containing five sections, as follows:

Criminal self-defence, vigilante or "paramilitary" groups;

Responsibility of State agents in disappearances and alleged executions;

Repression of fundamental freedoms;

Persecution of trade unionists;

Threats to various sectors of the civilian population.

132. With regard to the criminal self-defence, vigilante or "paramilitary" groups, it was stated that the Government of Colombia was fully aware of the seriousness of the existence of those groups and had taken measures aimed at identifying, combating and dismantling them, and that it had succeeded in uncovering the network of links connecting those groups with criminals engaged

in the narcotics traffic, locating the groups and seizing weapons, equipment and documents. It was further stated that, under the powers conferred by the Constitution, a number of emergency measures were being put into effect (decrees Nos. 813, 814 and 815 of 19 April 1989), namely, establishment of a special corps under the command of the Director-General of the National Police to combat these groups of criminals, establishment of a Special Commission of Ministers and senior officials in the security forces aimed at controlling and combating the criminal groups, control of arms traffic and suspension of legal provisions which could serve as a legal basis for the organization of armed civilian self-defence groups.

133. With regard to the responsibility of State agents in disappearances and alleged executions, it was stated that in all reported cases independent and impartial investigations had been conducted. These investigations were said to be of a disciplinary character conducted by the Attorney-General of the nation with a view to imposing administrative penalties and a criminal investigation. It was stated that the Government was aware that in some cases a situation of impunity might arise and that it had adopted measures to strengthen the system of justice and criminal investigation. It was also stated that in no instance had the Government adopted an attitude of complicity towards such abuses.

134. It was emphasized that the Colombian society and the Government had to struggle against armed, violent and brutal subversion that used terrorist methods even against the civilian population and managed to ally itself with narcotics traffickers, and that the Government had been forced to adopt emergency measures.

135. With regard to the persecution of trade unionists, it was stated that the Government was aware that trade union activists were among the groups most vulnerable to the criminal action of the above-mentioned groups and had adopted protective measures.

136. On 18 July 1989, a reply was received from the Government of Colombia to the Special Rapporteur's letter of 13 March 1989 transmitting information on a number of the cases communicated to the Government, as follows:

(a) Teofilo Forero, Leonilde Mora, Jose Antonio Toscano and Jose Antonio Sotelo. Proceedings were in progress at the Fourth Public Order Court in Bogotá and the cases were under investigation;

(b) Jose Antequera. The 36th Court of Criminal Instruction of Medellín had ordered preventive detention of a member of a group called "Los Buhos". Moreover, the Fourth Public Order Court of Villavicencio had ordered confinement of a member of a group of hired gunmen in connection with the killing;

(c) Francisco Dumar Mestre. The case was under investigation by the Regional Attorney of Monteria;

(d) The "La Rochela" case. The Sixth Public Order Court of Bogotá and the Fifth and Sixth Public Order Courts of Bucaramanga were investigating the case. According to the Technical Corps of the Judicial Police, seven persons had been interrogated under detention. Nine others had been interrogated but released. At the same time, the 126th Court of the Military Penal Instruction belonging to the 14th Brigade in Puerto Berrío (Antioquia) was also investigating the case and had taken action against the army lieutenant in command of the military base in Campocapote and a sergeant, ordering their confinement. The investigation was still under way;

(e) Gloria Mancilla de Diaz. The case of death threat had been investigated by the Departamento Administrativo de Seguridad (DAS);

(f) Rita Ivonne Tobon. The death threats had been made by paramilitary groups and on several occasions she had been offered escort service by members of the National Police; a private escort had also been given.

137. On 8 September 1989, a letter was received from the Government of Colombia concerning the measures adopted by the Government in connection with drug-trafficking. It was stated that criminal drug-trafficking had become increasingly dangerous and was threatening the core of society and endangering the institutional stability of the country, requiring special, prompt and effective legislation. It was also stated that, on 17 and 18 August 1989, three persons, Carlos Valencia Garcia, a judge of the Bogotá Higher Court, Colonel Valdemar Franklin Quintero and Luís Carlos Galán Sarmiento, a Senator and presidential candidate of the Liberal Party, had fallen victim to terrorist assaults by the criminal organizations engaged in illicit drug-trafficking, and that these criminal acts were additional to a long series of attacks on judges, political leaders, civil servants, soldiers, policemen and citizens.

138. It was further stated that the Government had adopted a series of exceptional measures to cope with this wave of criminal acts and to reinforce the action already taken to combat drug-trafficking and other crimes.

139. On 14 November 1989, a reply was received from the Government of Colombia to the Special Rapporteur's letter of 20 October 1989 concerning the case of Sergio Nuñez Monterrosa, stating that, on 18 October 1989, Nuñez had been located in Lorica by a commission of the Committee of Detained and Disappeared Persons, the mayor and the ombudsman of San Pedro. The reply further stated that, on 19 October, Nuñez had presented himself in Turbo, Antioquia, and had been questioned at the 21st Court of the Military Penal Instruction. A copy of his statement was attached to the reply. It was made clear that he had never been detained by the military authorities.

140. On 12 December 1989, a letter was received from the Government of Colombia transmitting information concerning 178 cases of killing of trade unionists in 1987 and 1988. According to the information, all these cases remained under investigation by various branches of the judicial authorities.

141. On the same day, a reply was received from the Government of Colombia to the Special Rapporteur's letter of 6 October 1989, stating that the cases of Henry Cuenca Vega, Daniel José Espitia and Fabio Marulanda Pupo were under investigation by the judicial authorities. With regard to the case of Henry Bello Ovalle, it was stated that a policeman had been detained at the National Police detention centre and that criminal proceedings were under way before Military Criminal Court No. 78. As for the disciplinary proceedings, it was stated that a decision had been taken on 23 October 1989 urging the dismissal of the above-mentioned policeman and that, in addition, an investigation was being carried out to determine the involvement of two other agents in the case.

142. On the same day, a reply was received from the Government of Colombia to the Special Rapporteur's letter of 20 October 1989 stating that, with regard to the case of Rita Ivonne Tobon Areiza, mayor of Segovia, who had allegedly received death threats from paramilitary groups, the State security authorities, and in particular the National Police, had offered to give protection to that public official.

Democratic Yemen

143. On 30 October 1989, the Special Rapporteur sent a letter to the Government of Democratic Yemen transmitting allegations that a person named Farid Awadh Haidara had died in detention on 25 June 1989 at Ataq prison in the governorate of Shabwa after being arrested in February 1988. Farid Awadh Haidara was said to be among those who had fled the country after the events of January 1986 and returned upon receiving a letter from the Minister of State Security at Aden guaranteeing their safety and adequate employment, but who had later been arrested and detained without charge.

144. The Special Rapporteur requested information on those allegations, in particular on any investigations by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths.

145. On 1 March 1989, a reply was received from the Government of Democratic Yemen to the Special Rapporteur's letter of 9 November 1988. According to the reply, on 13 January 1986, Democratic Yemen had been faced with a conspiracy aimed at seizing power, destroying the national democratic system and impairing the progress and achievement made by the people of Democratic Yemen. It was stated that, on 2 December 1986, the Supreme Court of the Republic had begun its hearing of criminal case No. 3 of 1986, brought by the Public Prosecutor of the Republic against persons involved in organizing, planning and carrying out the conspiracy of 13 January, and that the Public Prosecutor had brought five criminal charges against 138 accused persons, 48 of whom charged in absentia, namely high treason, acts of terrorism, aiding and abetting acts of terrorism, acts of sabotage, and aiding and abetting acts of sabotage.

146. It was further stated that the Court had held 143 public hearings before delivering its judgements, that the trial had been conducted in accordance with the legal regulations governing litigation and the general principles set forth in the Penal Code, the Code of Criminal Procedure, Act No. 3 of 1980 (concerning the organization of courts of law) and other procedural enactments, that the Court had shown due regard for the procedural requirements and safeguards, particularly the right of the accused to defend himself, that that right had been respected by the appointment of attorneys to defend the accused at State expense, in accordance with the constitutional principle concerning the obligation to ensure legal assistance and defence, that the accused, appearing in person before the Court in the presence of their attorneys, had been acquainted with the charges brought against them and had been given an opportunity to reply thereto and to provide explanations in that connection, and that they had also been given an opportunity to submit and challenge evidence, to call and cross-examine witnesses and to submit petitions and rebuttals at all stages of the hearing.

147. It was stated that, on conclusion of its hearings, the Court had on 12 December 1987 pronounced the death sentence on 19 persons convicted in absentia and on 16 persons convicted in their presence, and various terms of imprisonment on others.

148. It was further stated that the People's Supreme Council had confirmed on 27 December 1987 the death sentences passed on six persons convicted in absentia and on five persons convicted in their presence and commuted the death sentences passed on 13 persons convicted in absentia and on 15 persons convicted in their presence to 15 years' imprisonment.

149. It was also stated that, on 31 December 1987, the Presidium of the People's Supreme Council had issued a decree concerning the comprehensive general amnesty which did not apply to persons who had been convicted by the Supreme Court of the Republic in criminal case No. 3 of 1986 and who had been sentenced to death or to a term of imprisonment.

150. With regard to the three alleged cases of death in detention, it was stated that the allegations were totally unfounded. According to the reply, Said Bamu'awwad Bagarwan had died as a result of illness and there was no detainee of the name of Ahmad Bargash bin Daghar Bagarwan. Ali Said al-Amondi was stated to be alive, well and free.

El Salvador

151. On 7 February 1989, the Special Rapporteur sent a cable to the Government of El Salvador concerning alleged death threats by a group called Anti-Communist Revolutionary Extermination Action Group (ARDE) against Herberth Wilfredo Barillas, vice-rector of the University of El Salvador, Mario Alfredo Cabrera, administrator general of the University and Luis Argueta Antillon, the rector.

152. The Special Rapporteur appealed to the Government to take the necessary measures to protect the lives of these persons, as well as the lives of members of the University of El Salvador in general, a number of whom, including professors and students, had reportedly been assassinated in the previous months, and requested information on these cases.

153. On 24 July 1989, a letter was sent to the Government of El Salvador transmitting allegations that, since 1 January 1989, killings had continued to occur, in the context of the internal conflict affecting the country.

154. The following cases were alleged to be attributable either to members of the armed forces, security bodies and civil defence patrols or to paramilitary groups, the so-called "death squads" which, according to the reports, were tolerated by or had ties with certain authorities and members of the armed forces:

(a) José Arnaldo Ramírez Alvarez, aged 8, Barrio El Calvario, Jurisdiction of Mejicanos, Department of San Salvador, on 1 January 1989, by soldiers of the General Eusebio Bracamonte Army Battalion;

(b) Silvia Concepción Hernández Alvarado, aged 16, student, canton El Marquezado, Jurisdiction of Santiago de María, Department of Usulután, on 1 January 1989, by a soldier of the Army Atonal Battalion;

(c) Santos Regino Ramírez Pérez, aged 26, day labourer, on the bank of the river Torola, canton of Estancia, Jurisdiction of Cacaopera, Department of Morazán, on 23 January 1989, by members of the Military Detachment No. 4;

(d) César Edgardo Crespín Peñate, aged 26, day labourer, canton of Las Flores, Jurisdiction of Jayaque, Department of La Libertad, on 26 January 1989 by a member of the Civil Defence Patrol of Jayaque;

(e) Víctor Manuel Henríquez Claros, aged 32, day labourer, on the road from the canton of El Tablón to the canton of Los Horcones, Jurisdiction of San Francisco Javier, Department of Usulután, between 30 January and 2 February 1989, by soldiers of the Oromontique Battalion of the Sixth Infantry Brigade;

(f) José Rafael Romero Pérez, aged 40, small farmer, Jurisdiction of San Francisco Javier, Department of Usulután, between 30 January and 2 February 1989, by soldiers of the Oromontique Battalion of the Sixth Infantry Brigade;

(g) José Gerardo Gómez, aged 23, office worker, canton El Suncita, Jurisdiction of Acajutia, Department of Sonsonate, on 2 February 1989 by five uniformed soldiers;

(h) Diógenes Israel González Rivera, aged 18, cobbler, Barrio El Angel, Jurisdiction and Department of Santa Ana, by a person in plain clothes said to belong to the Criminal Investigation Department (SIC) of the National Police;

(i) Mario Antonio Flores Cubas, aged 32, university student, Barrio Santa Lucía, San Salvador, arrested on 2 February 1989 by five uniformed soldiers and found dead on 3 February 1989;

(j) Teodoro Sánchez Benítez, aged 28, day labourer, canton of Talchigua, Jurisdiction of Aramoala, Department of Morazán, on 19 February 1989, by soldiers of Military Detachment No. 4 billeted in San Francisco Cotera;

(k) Miguel Colindres Panameño, aged 20, day labourer, canton of Las Animas, Jurisdiction of Santiago Nonualco, Department of La Paz, arrested on 28 February 1989 by uniformed soldiers belonging to the Military Detachment of Engineers of the Armed Forces (DMIFA) and found dead on 7 March 1989;

(l) Andrés Colindres Vásquez, aged 55, day labourer, canton of Las Animas, Jurisdiction of Santiago Nonualco, Department of La Paz, arrested on 18 February 1989 by uniformed soldiers belonging to the Military Detachment of Engineers of the Armed Forces (DMIFA) and found dead on 7 March 1989;

(m) María Luisa Panameño de Colindres, aged 50, household servant, canton of Las Animas, Jurisdiction of Santiago Nonualco, Department of La Paz, arrested on 28 February 1989 by uniformed soldiers belonging to the Military Detachment of Engineers of the Armed Forces (DMIFA) and found dead on 7 March 1989;

(n) Alvaro Félix Cisneros Navidad, aged 30, small trader, Colonia San Rafael, Jurisdiction of Soyapango, Department of San Salvador, on 16 March 1989, by Air Force personnel;

(o) Emiliano Sánchez, aged 40, labourer, canton of Cimarrón, Jurisdiction of Puerto de la Libertad, Department of La Libertad, on 16 March 1989, by three soldiers belonging to Bracamonte Battalion;

(p) Juan José Santos Polanco, aged 23, farmer, canton of San Miguel Ingenio, Jurisdiction of Metapán, Department of Santa Ana, on 5 April 1989, by a member of the San Miguel Ingenio Civil Defence.

The cases of murder attributable to the paramilitary groups known as "death squads" were as follows:

(q) José Sixto Montoya, aged 50, day labourer, Jurisdiction of San Francisco Chinameca, Department of La Paz, on 11 January 1989;

(r) Orlando Rafael Ramos Lizama, aged 25, university student, Jurisdiction and Department of San Salvador, found dead on 16 February 1989 with two bullet wounds and bearing signs of strangulation and torture;

(s) Germán Evelio Mejía Tejeda, aged 21, travelling salesman, canton of Chupaderos, Jurisdiction and Department of Santa Ana, found dead on 5 March 1989;

(t) María Cristina Gómez González, aged 40, primary school teacher, member of "Andes 21 de Junio" and representative of that organization in Conamus, Colonia Santa Lucía, Jurisdiction of Ilopango, San Salvador, abducted on 5 April 1989 by two heavily armed men in civilian clothes and found dead on the afternoon of the same day bearing signs of torture;

(u) Carlos Alfredo Ramírez, aged 24, labourer, Colonia Guadalupe, Jurisdiction of Soyapango, Department of San Salvador, abducted on 10 May 1989 and found dead on 11 May 1989;

(v) Alberto Hilario Murcia Alvarado, aged 20, labourer, Colonia Guadalupe, Jurisdiction of Soyapango, Department of San Salvador, abducted on 10 May 1989 and found dead on 11 May 1989;

(w) Pablo Abdulio Vargas Carcamo, aged 29, trade unionist, Jurisdiction of Chalchuapa, Department of Santa Ana, by the so-called "Comando Acción Anti-Comunista Revolucionaria de Exterminio" (ARDE).

155. On 14 November 1989, another letter was sent to the Government of El Salvador transmitting the following cases.

(a) Geovanny Carranza, aged 4, and Javier Carranza, killed on 31 May 1989 by members of "la Fuerza Aerea";

(b) José Joaquín González, member of FECORAO, died on 20 June 1989 after being tortured by the National Police of San Miguel.

156. On 22 November 1989, another letter was sent to the Government of El Salvador transmitting the following cases:

(a) Madeleine Lagadec, a French nurse; Gustavo Ignacio Caseres, an Argentine doctor; Maria Cristina Hernández, a Salvadorian auxiliary nurse; Celia Leticia Díaz Salazar, a Salvadorian teacher; Carlos Gómez, a hospital patient. These five persons died on 15 April 1989, allegedly killed after

having been captured and tortured by Salvadorian Air Force personnel. At the time of their capture they were in the FMLN field hospital in the canton of El Tortuguero, Jurisdiction of Santa Clara, Department of San Vicente, when the bombing took place;

(b) Ten persons died on 31 October 1989 in the course of the attack on the offices of the Federación Nacional Sindical de Trabajadores Salvadoreños (FENASTRAS) (National Federation of Salvadorian Workers Unions). The bomb exploded during a meeting of trade union leaders. The attack followed an attack the previous day on the offices of COMADRES. Human rights groups hold members of the Police Force and the Infantry Brigade responsible for the attacks. There have been three previous attacks this year on the headquarters of FENASTRAS, for which members of the Police Force and other security services are believed to be responsible. Although the Government has held the so-called "enemies of peace", responsible for these reprehensible attacks, statements by witnesses describing the circumstances in which the attacks occurred indicate that the victims were killed by members of Government forces;

(c) Ignacio Ellacuria, Rector of the José Siméon Canas Central American University (UCA); Ignacio Martin Baro, Deputy-Rector of UCA; Segundo Montes, Director of the UCA Human Rights Institute; Juan Ramón Moreno, a Jesuit priest at UCA; Armando Lopez, former Rector of UCA; Managera; Joaquín López y López, a Jesuit priest; a domestic employee and her daughter. These persons were killed on 16 November 1989 in San Salvador, reportedly by men wearing military uniforms. Although the Government has deplored this horrifying murder and has held unidentified terrorist groups responsible, according to statements by witnesses the circumstances in which the events occurred indicate that the victims were killed by members of Government forces.

157. In the above-mentioned three letters, the Special Rapporteur requested information on these allegations, in particular on any investigations by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths.

158. On 23 November 1989, a cable was addressed to the Government of El Salvador concerning the situation of a refugee centre named "El Despertar" in La Colina San Antonio Abad. According to information received, this centre had been surrounded and shot at by soldiers of the government forces and bombarded with artillery shells, causing serious danger to the lives of the civilians at the centre.

159. The Special Rapporteur, expressing his concern for the safety of the civilians at the centre, referred to article 51 of Additional Protocol I of 1977 to the Geneva Conventions of 1949, which provided that civilians shall not be the object of attack. He therefore appealed to the Government to take the necessary measures to protect the right to life of those civilians and requested information on the measures taken by the Government.

160. On 18 April 1989, a letter was received from the Government of El Salvador, transmitting a press release issued by the Governmental Commission on Human Rights which denounced the attack by terrorist groups against Mr. José Francisco Merino López, vice-president elect of the Republic, on 14 April 1989, at his residence.

161. At the time of preparation of the present report no reply had been received from the Government of El Salvador.

Ethiopia

162. On 26 April 1989, the Special Rapporteur sent a letter to the Government of Ethiopia transmitting the following alleged cases of killing by government forces:

(a) On 26 December 1988, in the village of Halibo, in the district of Mereta Sebene (Akeleguzai Province), Ethiopian armed forces killed 11 civilians, all over 50 years of age. The names of seven of the victims were mentioned in the letter;

(b) On 18 February 1989, the Ethiopian army killed 10 civilians and wounded one youth in the village of Deki-Zeru, in Lower Anseba, 30 km west of Asmara. Two of the victims were killed by bayonet and the others shot. The names of the 10 victims were mentioned in the letter.

163. The Special Rapporteur requested information on these allegations, in particular on any investigations by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths.

164. On 24 July 1989, another letter was sent to the Government of Ethiopia transmitting allegations that many people had been killed in the following incidents involving government forces:

1988 (All incidents in the Tigray region)

(a) On 14 May, armed forces moved to Forda in Raya district, burned 50 houses, killed one person and ordered the evacuation of the village;

(b) On 15 May, armed forces moved into Harika, killed one person and ordered the evacuation of the town. The same day war planes bombarded Axum for the second time, killing one and wounding five civilians;

(c) On 21 May, helicopters bombarded Harego, killing 9 and wounding 12 civilians;

(d) On 26 May, six persons were killed when Hausien was bombarded for the third time;

(e) On 4 June, five persons were killed and three wounded when 77 houses were burned in Harego, near Makelle;

(f) On 7 and 8 June, 16 persons were killed when Samre was bombarded with napalm and cluster bombs;

(g) On 7 June, two mothers were killed and two children wounded when Sekota was bombarded by four MIG fighter planes;

(h) Between 19 and 21 June, 341 persons were killed when Hagerselam and surrounding villages were burned by government troops;

(i) On 22 June, MIG fighter planes bombarded Hausien for six hours, resulting in the death of 1,300 persons;

(j) On 26 June, troops moved to a village near Samre called Al Ata and, while the people were in church, opened fire and killed four persons;

(k) On 27 June, two persons, a priest, Adebe Damtew, and a layman, Getnet, were killed in a church in Derkasheg village;

(l) On 27 and 28 June, troops roamed around Maiknetal and killed 45 women, one of whom was burned in her house;

(m) On 28 and 29 June, in Adwa, 50 persons were killed, 29 of them by bayonet and their bodies thereafter thrown over a cliff;

(n) On 5 and 6 July, troops raided Neksege village in southern Tigray and burned to death 30 farmers while they were in their huts;

(o) On 10 July, 43 farmers were killed and another 60 burned to death in their houses in Allogen, a subdistrict of Tsembla. On the same day, a one-year old baby was mutilated with a bayonet and her corpse hung on the fence of her home; and in Adi Barai, one woman was killed and 48 elderly persons were badly beaten with clubs;

(p) On 14 July, while troops were retreating from Edaga Hibret to Enda Selassie, they threw an old blind woman into a burning hut and killed her;

(q) Between 11 and 15 July, 12 elderly men and women were executed in Asgede. One of the dead was 75-year-old Amina Dawood;

1989

(a) On 20 March, Tunzighi Ghebremedhin was killed while on his way to Senafe from his village of Asha. In a separate incident, Abdalla Ahmed was killed in Quahaito, in the east of Adi-Kaieh;

(b) On 29 March, three persons were killed when Axum was bombarded;

(c) Between 15 and 21 April, 16 persons were killed, either by stoning or by being thrown off the cliffs, when the villages of Gila, Gerber, Sefa and Mensura in the Semian district were attacked. The names of the 16 persons were mentioned in the letter;

(d) Between 30 April and 7 May, eight civilians were killed and another four detained during a rampage in the region of Hazomo and Tsorona in the southern Lowlands of Eritrea.

165. The Special Rapporteur requested information on the above-mentioned cases and in particular on any investigations made and any measures taken by the authorities and/or the judiciary to establish the facts and to bring those responsible to justice.

166. On 17 February 1989, a reply was received from the Government of Ethiopia to the Special Rapporteur's letter of 9 November 1988 concerning the allegations described in his last report (E/CN.4/1989/25, paras. 102-106), stating that the Government, having conducted a thorough investigation, had found the charges to be completely unfounded and a product of a systematic campaign of misinformation.

167. On 29 November 1989, a reply was received from the Government of Ethiopia to the Special Rapporteur's letters of 26 April and 24 July 1989 concerning alleged killings by government forces in Eritrea and Tigray. The reply stated that the investigations conducted over several months in different places in northern Ethiopia by a body established by the Government had proved that all the allegations were unfounded. It was also stated that it was the dissident groups which were engaged in acts of terrorism, banditry and killing of innocent individuals and that it was those same groups that were the source of the allegations brought against the Government. Referring to the peace initiative and talks between the Government and the dissident groups which had begun in the latter half of 1989, the Government expressed the hope that the desire for peace would ultimately prevail over the proclivity to prolong human suffering.

Guatemala

168. On 10 February 1989, the Special Rapporteur sent a cable to the Government of Guatemala concerning alleged death threats against Julio Pérez Morales, nursing assistant at the health centre in San Martín Jilotepeque, Chimaltenango. According to the information received, on 17 December 1988 a group of soldiers had gone to his home and killed six members of his family. Pérez Morales had not been at home at the time of the killing, but this action was believed to be directed against him because he had been accused of giving medical treatment to guerrillas and had been threatened by the army.

169. The Special Rapporteur appealed to the Government to take the necessary measures to protect the life of Pérez Morales and the rest of his family and requested information on the case.

170. On 17 March 1989, another cable was sent to the Government of Guatemala concerning alleged death threats against 12 members of the Executive Committee of the Student Association of the University of San Carlos (Junta directiva de Asociación de estudiantes universitarios de la Universidad de San Carlos). According to the information received, these persons had been threatened by groups named "El Jaguar Justiciero" and "Dolorosa G.2", and Aaron Ochoa, one of the 12, had been the target of a bomb attack.

171. The Special Rapporteur appealed to the Government to take the necessary measures to protect the lives of these persons and requested information on the cases.

172. On 1 May 1989, a cable was sent to the Government of Guatemala concerning alleged death threats against Lucila Avila, member of the workers' union of the enterprise Pierre Bonin Sucesores y Cia, Limitada. It was alleged that no steps had been taken to investigate those threats.

173. The Special Rapporteur appealed to the Government to take the necessary measures to protect the life of Lucila Avila and requested information on the case.

174. On 30 May 1989, a cable was sent to the Government of Guatemala concerning alleged death threats by unknown persons against the participants in the national dialogue. According to information received, Nineth Garcia,

president of the Grupo de Apoyo Mutuo por Aparecimiento con Vida de Nuestros Familiares (GAM) had received a death threat through the National Reconciliation Commission for her participation in the dialogue. Other GAM members, including Raquel Juan Juan, Tomas Chumil Mendez and Salvador Chumil Coc, were also alleged to have been threatened by the military commander of Chichicastenango.

175. In view of several recent reports that participants in the national dialogue had received death threats, the Special Rapporteur expressed his concern for the life of the above-mentioned persons, appealed to the Government to take the necessary measures to protect their life and requested information on these cases and, in particular, on the measures taken to protect the life of those persons.

176. On 15 June 1989, another cable was sent to the Government of Guatemala concerning death threats directed at Fernando Sanchez, a member of the negotiating commission of the collective pact of the workers of the Banco del Agro, Herberth Pivaral Toledo, a member of the trade union of the Banco del Agro, and Melvin Pineda, Secretary-General of the Asociación de Educadores de Enseñana Media (AEEM). It was also alleged that, on 2 May 1989, four heavily armed men, believed to be members of the security forces, had shot at him from a car.

177. The Special Rapporteur appealed to the Government to take the necessary measures to protect their right to life and requested information, in particular on the measures taken by the Government in that regard.

178. On 10 July 1989, another cable was sent to the Government of Guatemala concerning death threats received by five persons, agricultural workers in the village of Membrillal II, El Quiche department, and members of the "Runujel Junam" (CERJ) Council of Ethnic Communities, presumably from local authorities. They had reportedly left the Civil Defence Patrols (PAC) in July and August 1988. Juan Tomin Quin, one of the five, had allegedly received a written death threat on 24 June 1988, in which he was accused of belonging to the self-styled "Guerrilla Army of the Poor". Since then, another citizen, Sebastian Xon Tzoc, had reportedly been receiving oral death threats from judicial police officers in plain clothes.

179. The Special Rapporteur appealed to the Government to take the necessary measures to protect their right to life and requested information, in particular on the measures taken by the Government in that regard.

180. On 21 July 1989, another cable was sent to the Government of Guatemala concerning 22 persons, said to be members of the Council of Ethnic Communities "Runujel Junam" (CERJ) and of the Civil Defence Patrols in the village of La Primavera, El Quiche department. They were reported to have been receiving death threats from members of the armed forces since the end of 1988. The latest death threat had allegedly been made on 1 July 1989. It was reported that those persons had been warned to terminate their membership in the CERJ.

181. The Special Rapporteur appealed to the Government to investigate the allegations and to take the necessary measures to protect the lives of the persons concerned, and requested information on the outcome of such investigations and on the measures taken.

182. On 24 July 1989, a letter was sent to the Government of Guatemala transmitting allegations that during the early part of 1989 killings had continued to occur in Guatemala and that they were be attributed both to army personnel and to members of the civil defence patrols. For example: four villagers of Amacchel, Municipality of Chajul, Department of El Quiche, were fatally wounded on 10 January 1989, by army personnel and members of the civil defence patrols (PAC). In addition, there were allegations of death threats as follows:

(a) Twelve student leaders of the Asociación de Estudiantes Universitarios (AEU) (Association of University Students), were threatened with death in April 1989 by groups calling themselves "La Dolorosa" and "Jaguar Justiciero";

(b) Antonio Argueta, lawyer for the Unión Sindical de Trabajadores de Guatemala (UNSITRAGUA) (Union of Guatemalan workers) and Víctor Barcácelis, Secretary-General of the Federación Nacional de Trabajadores del Estado de Guatemala (FENASTEG) (National Federation of Workers of the State of Guatemala) were threatened with death on 9 March 1989 by the so-called "Frente de Reacción Nacional";

(c) Arnoldo Coy Caal and Ernesto Coy Caal, peasants, Panzós, Department of Alta Verapaz, were threatened with death, in April 1989, by an army officer, while they were under arrest in the Panzós military detachment.

183. On 18 August 1989, another cable was sent to the Government of Guatemala concerning death threats received by the President of the GAM, Nineth de García, who had reportedly been threatened since 6 August 1989 by men in civilian clothes carrying large-bore firearms as well as by other members of GAM. It was also alleged that the GAM premises had been destroyed by hand-grenades thrown by persons in civilian clothes. Furthermore, members of the International Peace Brigade (Brigadas Internacionales de Paz) had allegedly received death threats on 9 May 1989 and their premises had been destroyed on 16 May 1989 by hand-grenades thrown by unknown persons.

184. The Special Rapporteur appealed to the Government to take the necessary measures to protect their right to life and requested information, in particular on the measures taken in that regard.

185. On 25 October 1989, another cable was sent to the Government of Guatemala concerning the allegation that Emilio Arizandieta Santos and his sons Edgar Leonel and Rigoberto Arizandieta Franco had received death threats, presumably from members of the G-2 army intelligence service, who were said to have been keeping a continuous watch in front of the threatened persons' home since 25 September 1989. The family, originally from Taxisco, department of Santo Rosa, were said to be living there, and Emilio Arizandieta had joined GAM on 16 September 1989, the date on which his other son, Reyes Anibal Arizandieta Santos, had disappeared while working on the Santa Maria y Miranda farm at Taxisco. According to the information received, the manager of the farm, Tulio Marroquin Juarez, had accused Mr. Arizandieta's sons of being guerrillas and had threatened them with death.

186. The Special Rapporteur appealed to the Government to investigate and clarify the cases and to take measures to protect the lives of the persons concerned, and requested information on the outcome of the investigation and the measures taken by the Government.

187. On 30 October 1989, another letter was sent to the Government of Guatemala transmitting allegations that during the year killings had continued to occur in Guatemala and were attributed both to army personnel, the security forces or civil defence patrols and to paramilitary groups linked to them. Attention is drawn to the following cases:

(a) Five persons were fatally wounded, reportedly at the hands of army personnel on 18 May 1989 in the village of Sarquín, Patzicia district, Department of Chimaltenango;

(b) Joaquín López Chávez, aged 36, allegedly arrested by soldiers on the San Juan estate, San Pablo municipality, Department of San Marcos, on 5 June 1989, was fatally wounded on 16 June and his body was found on the same day near the Camarón river, close to the town of Jerusalem, San Pablo, Department of San Marcos;

(c) José Rolando Pantaleón, member of the trade union of the Guatemalan Bottling Plant (STEGAC), was fatally wounded on 2 July 1989, and his body was found on the same day at km. 17 on the Atlantic highway, close to Palencia;

(d) Juan Baltazar Marcos, a representative of returnees at the Diálogo Nacional in Guatemala, was fatally wounded on 1 August 1989, and his body was found on the same day at Puente Río Negro, Ixcán, Department of El Quiche;

(e) Alfonso De León was allegedly fatally wounded at the hands of the Chief of the San Miguel Uspantán Military Detachment, Department of El Quiche, on 29 August 1989, after being tortured;

(f) Maria Toj, of San Miguel Uspantán, Department of El Quiche, was fatally wounded on 29 August 1989;

(g) Silvia María Azurdia Utrera, aged 33, a University of San Carlos (USAC) sociologist and former leader of the Association of University Students (AEU) and Victor Hugo Rodríguez Jaramillo, aged 31, a University of San Carlos political science student and former AEU leader, were reportedly arrested on 23 August 1989, fatally wounded on 10 September, and their bodies, bearing signs of torture, were found on the same day close to San Carlos University;

(h) Carlos Leonel Chuta Camey, aged 31 years of age, a social and legal science student at USAC and former AEU leader, was allegedly arrested on 8 September 1989 in Guatemala City, fatally wounded on 10 September and his body, bearing signs of torture, was found on the same day close to San Carlos University;

(i) Eduardo Antonio López Palencia, aged 24, a chemistry student at USAC and former AEU leader, was reportedly arrested in Guatemala City on 9 September 1989, fatally wounded on 10 September and his body, bearing signs of torture, was found on the same day at km. 64 on the El Progreso-Guatatoy highway, Jursisdiction of Sanarate;

(j) Carlos Humberto Cabrera Rivera, aged 45, a teacher in the USAC arts department, former AEU member and a teachers leader was reportedly arrested in Guatemala City on 9 September 1989, fatally wounded on 10 September and his body, bearing signs of torture, was found on the same day close to San Carlos University;

(k) Five persons whose names were mentioned in the letter, were fatally wounded on approximately 14 September 1989, reportedly at the hands of army personnel from No. 18 military base in San Marcos. Their bodies were found, bearing signs of torture, on the same day at km. 18 on the highway from Quezaltenango to San Marcos, Jurisdiction of San Juan Ostuncalco and Santa María Sacatepéquez;

(l) José León De La Cruz Segura, a leader of the Union of Workers of the National Electrification Institute (STINDE) in Pasabién, Department of Zacapa, was fatally wounded on 27 September 1989 in front of his house in Chiquimula, as he was walking to work in Pasabién.

188. On 17 November 1989, another cable was addressed to the Government of Guatemala concerning death threats directed at the family of Chitay Nech. It was alleged that the family was watched by men driving cars with tinted windows, like those often used by security forces. The family was said to have been the target of violence and persecution and one of its members, Juan Carlos Chitay Nech, had disappeared in 1985. During the past two years, three other members of the family, Martin Chitay Nech, Eleodoro Ordon Camey and Aurelio Lorenzo Chitay, had allegedly been killed.

189. The Special Rapporteur appealed to the Government to investigate the allegations and to take the necessary measures to protect the lives of these persons, and requested information on the outcome of the investigation and the measures taken by the Government for their protection.

190. On 8 August 1989, a letter was received from the Presidential Advisory Commission on Human Rights of the Government of Guatemala, containing information concerning a number of alleged cases of killing, as follows:

(a) The Aldea El Aguacate massacre. On 22 November 1988, Carlos Humberto Guerra Callejas, military Commissioner for the village of El Aguacate in the municipality of San Andrés Itzapa, Department of Chimaltenango, disappeared. On 24 November, 30 villagers of El Aguacate who were searching for the missing man encountered a group of armed men who were assumed to have been holding him. Eleven of the 30 villagers managed to escape but 22 peasants were abducted. Two of the villagers who managed to escape gave an account of what happened. This made it possible to verify the identity of the armed group. They were the so-called Organizacion Revolucionaria del Pueblo en Armas (ORPA), belonging to the Unidad Revolucionaria Nacional Guatemalteca (URNG). On 25 November 1988, the body of Carlos Humberto Guerra Callejas, who had disappeared on 22 November 1988, was found 2 km to the south of the village of El Aguacate. On 26 November 1988, the bodies of the 21 others were found by military patrols in three common graves to the south of El Aguacate. All the bodies showed signs of torture and strangulation;

Proceedings were currently before the First Criminal Court of First Instance in the Department of Chimaltenango. A defendant had been remanded in custody for the offences of genocide, abduction, aggravated robbery and illegal possession of firearms. The presiding judge was preparing a warrant for the arrest of persons who were members of ORPA;

(b) Elizabeth Paniaqua/Panel Blanca. Proceedings were still at the pre-trial stage;

(c) José Rolando Pantaleón Hernandez. Proceedings were currently before the First Court of First Instance for Criminal Investigation, at the pre-trial stage. No charges had been brought in this case;

(d) Massacre at Caserío Sunguín, Municipality of Patzicía, Department of Chimaltenango. Proceedings were before the Second Court of First Instance for Criminal Investigation, at the pre-trial stage;

(e) Marta Odilia Raxajal Sisimit, María Esteban Sisimit and Camilo García Luis. These cases had been reopened. Investigations were being conducted to identify the perpetrators. Proceedings were before the First Court of First Instance for Criminal Sentencing in the Department of Chimaltenango.

191. On 31 August 1989, a reply was received from the Government of Guatemala to the Special Rapporteur's cable of 18 August 1989, transmitting information from the Ministry of the Interior (Ministerio de Gobernación) to the effect that, upon receiving the request for intervention, the Ministry had acted by issuing orders to the relevant organs immediately to enforce the necessary protection, and that it had also requested the security organs of the area for more information on the cases.

192. On 30 November 1989, a reply was received from the Government of Guatemala to the Special Rapporteur's cables and his letter of 24 July 1989, stating that all the cases mentioned in those communications had been officially reported to the competent authorities and that, with regard to the case of the Chitay Neh family, the Presidential Advisory Commission on Human Rights (COPADEH) had asked the Public Prosecutor urgently to begin legal proceedings against those responsible for the threats and harassment against that family.

Guyana

193. On 14 November 1989, the Special Rapporteur sent a letter to the Government of Guyana transmitting allegations that several persons had been killed in a summary manner by members of the police force, in particular by those belonging to the Criminal Investigation Department (CID) and to the Special Branch. The following deaths were said to have occurred in 1989:

(a) On 4 February 1989, Budhram Jaimal, aged 42, was found dead in his cell at the police station. He had reportedly been arrested after being shot and wounded by a policeman on 1 February 1989, when he had had a bout of mental illness. Although the police had reportedly explained the death as suicide, an autopsy on Jaimal's body had revealed haemorrhage of the brain with contusions. No one was said to have been charged for the death;

(b) On 16 March 1989, Ramesh Nirmal and Krishendat Nirmal, young sheep farmers, had allegedly been shot dead by an armed policeman in an unprovoked assault during a dispute between three Nirmal brothers and armed stray catchers impounding cows. No one was said to have been charged;

(c) On 23 September 1986, Tularam Ramkellowan, a farmer aged 29, had allegedly been beaten to death by agents belonging to the Criminal Investigation Department (CID) of the police at their headquarters in Georgetown. The High Court procedures were said to be still pending. A government medical officer had reportedly told the court that the injuries suffered by the deceased indicated "a series of beatings rather than accidental blows";

(d) On 15 September 1988, Malcolm Bowen, a worker, had allegedly been shot to death at his home by a policeman who had fired his gun without warning or apparent reason as Bowen opened the door. The court procedures were said to be still pending.

194. The Special Rapporteur requested information on these allegations and in particular on any investigations by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths.

195. At the time of preparation of the present report, no reply had been received from the Government of Guyana.

Haiti

196. On 26 April 1989, the Special Rapporteur sent a letter to the Government of Haiti concerning allegations that several persons had been killed, in particular by members of the security forces who were frequently wearing plain clothes. The Special Rapporteur listed the cases as follows:

(a) On 27 October 1988, in the course of an argument over land, three peasants were killed in Parc Cheval by other peasants from Petit-Jardin armed with sticks and pickaxes who were reputedly under the orders of an army sergeant and a corporal;

(b) On 29 October 1988, Jacques Philippe was killed at Bon Repos by two men, one of whom was apparently wearing a military uniform. Philippe, who had lodged a complaint relating to previous attacks, had been due to appear on 31 October 1988 for a hearing before the judge;

(c) On 24 November 1988, the body of Farel Joseph was found in the Port-au-Prince morgue and was said to bear signs of ill-treatment. According to Major Jean Eugène José, Director of the Anti-Gang Investigation Department, where Joseph had been imprisoned since 17 November 1988, his death had occurred on 17 November 1988 on account of his state of health;

(d) On 27 November 1988, Michelet Dubréus and Jean Félix were reportedly killed in a house in Cité Soleil by a group of four men, wearing civilian clothing, which included members of the Anti-Gang Investigation Department, accompanied by a uniformed army sergeant who presumably belonged to the Fort Dimanche unit. Dubréus and Félix, members of the Federasyon Asosyasyon Site Soley (FASS), had earlier said on the radio that they had received death threats after publicly identifying the presumed authors of the massacre at the St. Jean Bosco Church on 11 September 1988 in their association's newspaper.

197. The Special Rapporteur requested information on these allegations, in particular on any investigations by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths.

198. On 30 October 1989, another letter was sent to the Government of Haiti transmitting the following allegations:

(a) Mr. Joanis Malvoisin, aged 43 years, was shot dead on 12 July 1989 at Savien, first section of Petite-Rivière de l'Artibonite. The persons responsible for his death were Haitian soldiers under the orders of Corporal Wilfred Pierre-Louis. Malvoisin had been implicated in a number of conflicts with landowners in the Artibonite region, and had received threats;

(b) According to another source, at the beginning of June 1989 Wisley Laurius, aged 20, was reportedly shot dead with a revolver by Chrisner Adrien, head of the Basse-Terre section, second communal section of Marchand-Dessalines (Artibonite);

(c) Four members of the Labadie Youth Movement (MJL) were killed on 14 August 1988 by approximately 10 armed men, some of whom were wearing military uniform. The head of section and two soldiers stationed at Petite-Rivière de l'Artibonite were recognized among those who opened fire. The Labadie Youth Movement is still being threatened and harassed by military personnel in the Labadie region. It is claimed that a government committee of inquiry into the events of August 1988 was set up in March 1989, although the Special Rapporteur has not been informed of the findings of any such inquiry;

(d) Mr. Jeune Leblanc, aged 29, was reportedly killed on 25 August 1989 by a member of the anti-gang police while he was in the hands of the police.

199. The Special Rapporteur requested information on the above-mentioned cases and in particular on any investigations made and any measures taken by the authorities and/or the judiciary to establish the facts and to bring those responsible to justice.

200. At the time of preparation of the present report no reply had been received from the Government of Haiti.

Honduras

201. On 2 February 1989, the Special Rapporteur sent a cable to the Government of Honduras concerning alleged death threats by a paramilitary group named "Triple A" against Juan Almendares Bonilla, former rector of the National University of Honduras and head of the Co-ordinating Committee of popular organizations; Jorge Arturo Reina, former rector of the National University of Honduras; Ramón Custodio López, former chairman of the Committee for the Defence of Human Rights in Honduras (CODEH); Oscar Anibal Puerto, vice-chairman of the CODEH; and Hector Hernandez Fuentes, chairman of the United Workers Federation of Honduras.

202. The Special Rapporteur, having received expressions of concern for the lives of the above-mentioned persons, appealed to the Government to take the necessary measures to protect their lives and requested information on these cases.

203. On 11 April 1989, another cable was sent to the Government of Honduras concerning alleged persistent death threats against Ramón Custodio López, Oscar Aníbal Puerto and Héctor Hernandez. According to information received, these persons, along with their family members, had been subjected to further

death threats and attacks on their property by the "Triple A" paramilitary group. It was alleged that those threats were being repeated more and more frequently.

204. The Special Rapporteur reiterated the appeal made in his cable of 2 February 1989 concerning the above-mentioned persons and requested information thereon.

205. On 10 July 1989, another cable was sent to the Government of Honduras concerning allegations that Salomón Vallecillo Andrade, aged 34, president of the Honduran Tobacco-Workers Union (SITRATAH), and also a leader of the United Workers Union (FUDH), had been murdered on 6 July 1989, and that the names of Salomón Vallecillo Andrade and of other trade-union leaders appeared on a death list drawn up by the armed forces. The list allegedly included Gladys Petrona Williams Lanza, president of the Workers Union of the National Electricity Enterprise (STENEE) and Ismael Barahona, a leader of the same union, who were reported to have received telephoned death threats on the day of Vallecillo Andrade's murder.

206. The Special Rapporteur, having received expressions of deep concern over the recent violations of the right to life and for the safety of the persons threatened with death, appealed to the Government to take all necessary measures to investigate the above-mentioned cases and to protect the lives of those threatened with death, and requested information on the outcome of the investigations and on measures taken for their protection.

207. On 20 July 1989, another cable was sent to the Government of Honduras concerning alleged death threats received by Héctor Hernández Fuente, president of the Unitary Federation of Honduras (FUTH), and Luciano Barrera, former Secretary-General of the National Federation of Farm Workers (CNTC). It was further alleged that Jorge Alberto Espinal Coraccioli, chief of the Documentation Unit of the Committee for the Defence of Human Rights in Honduras (CODEH), had received anonymous telephone calls threatening him with death and that he had been intimidated in a public place by a person in civilian clothing. It was also alleged that Edgardo Herrera, aged 37, treasurer of the University Reform Front (FRU), had been assassinated on 4 July 1989 and that, on the same day, his friend Carlos Cardona Maldonado had been followed by individuals travelling in cars with tinted windows, who had also gone to his home and asked about him. It was alleged that the killings at San Pedro Sula had been politically motivated and that in all cases weapons reserved exclusively for the armed forces had been used.

208. The Special Rapporteur appealed to the Government to investigate the above-mentioned cases and to take the necessary measures to protect the persons threatened with death, and requested information on the outcome of the investigations and the measures taken to protect their lives.

209. On 24 July 1989, a letter was sent to the Government of Honduras transmitting allegations that, between 1987 and 1989, 10 persons had been victims of politically motivated killings committed by members of the armed forces and that, in most of the cases, the victims had first been abducted and tortured and their homes searched. The Special Rapporteur described the following cases by way of example:

(a) On 4 January 1988, the body of José Lito Aguilera was handed over to his relatives by eight heavily armed persons, including officers and sergeants; he had been arrested on 1 January 1988 in the market at San Isidro and transferred to the Special Forces Battalion;

(b) On 25 April 1988, Virgil Santos Saen, a refugee at the Colomoncagua camp, Department of Intibuca, was killed by soldiers;

(c) On 27 July 1988, José María Ayala, aged 37, a Salvadorian refugee in the Mesa Grande camp, in Ocotepeque, was shot dead by military personnel;

(d) On 4 April 1989, the body of Norberto Flores Flores was found outside Tegucigalpa. Flores had been arrested on 28 March 1989 in the Colonia de Las Torres, Comayaguela, by agents of the Dirección Nacional de Investigaciones (DNI) (Criminal Investigation Service), who had left him for dead in a public place on 3 April 1989. On arrival at the Hospital Escuela, on 4 April 1989, he had been rearrested by agents of the DNI;

(e) On 4 July 1989, the head of the Board of Trustees of Colonia La Paz, Edgardo Herrera, aged 37, was murdered. The investigations undertaken by the police and by the judicial authorities had produced no results to date;

(f) On 5 July 1989, Mr. Danilo Martínez, a former member of the Sindicato de Trabajadores de Cementos de Honduras (SITRACEHSA) (Honduran Cement Workers' Union) was killed by the FSP agent. The case was said to be under investigation by the First Criminal Court of San Pedro Sula;

(g) On 6 July 1989, the president of the Sindicato de Trabajadores de la Tabacalera Hondureña (SITRIAH) (Union of Workers of the Honduran State Tobacco Monopoly), Salomón Vallecillo, aged 34, was shot dead in San Pedro Sula. The investigations undertaken by the police and the judicial authorities had produced no results to date;

(h) On 11 July 1989, the director of the Department of Further Studies of the Centro Universitario Regional del Norte (CURN) (Regional University Centre of the North), leader of the Frente Unido Universitario Democrático (FUUD) (Democratic University United Front) and professor of Roman Law, Roberto Ramón Garay, aged 39, was shot dead in front of his house in the Colonia Satélite. The investigations undertaken by the police and the judicial authorities had produced no results to date.

210. Reports had also been received of frequent death threats and harassment of political and trade union leaders and human rights activists. A group called the "Alianza de Acción Anticomunista", which was believed to have links with the armed forces, had allegedly made death threats against a number of persons. Furthermore, it was alleged that no one had been arrested or charged for earlier killings, such as those of Angel Pavón Salazar and Moisés Landaverde.

211. The Special Rapporteur requested information on these allegations, in particular on any investigations by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths.

212. On 5 December 1989, a cable was sent to the Government of Honduras concerning alleged death threats made against Almendarez Bonilla, a doctor and former rector of the Autonomous University of Honduras and head of the Comité Coordinador de Organizaciones Populares (CCOP); Ramón Custodio López and Oscar Aníbal Puerto, president and vice-president of the Comité para la Defensa de los Derechos Humanos en Honduras (CODEH); Hector Hernández Fuentez and Carlos H. Reyes, president and vice-president of the Federación Unitaria de Trabajadores de Honduras (FUTH); Gladys Lanza, president of the Sindicato de Trabajadores de la Empresa de Energía Eléctrica (STENEE), and Ramón Varela, a trade unionist and member of the executive committee of FUTH. According to information received, on 13 November 1989 an anonymous telephone call was made to the house of Gladys Lanza, giving the names of the seven and saying that they were going to die. On 15 November 1989, a powerful bomb was said to have exploded in Gladys Lanza's house causing extensive damage and slightly injuring her in the feet.

213. The Special Rapporteur appealed to the Government to investigate the cases and to take the necessary measures to protect the lives of those threatened, and requested information on the outcome of the investigations and the measures taken for their protection.

214. On 10 February 1989, a reply was received from the President of the Inter-Agency Commission on Human Rights (CIDH) expressing concern with the situation of the above-mentioned persons and urging the international community to express solidarity with Honduras, since acts perpetrated by groups of both the extreme left and the extreme right undermined the country's democratic system. Honduras would use all means available to it to try to protect these persons, with the support of the Inter-Agency Commission, and requested the Special Rapporteur to intercede with those groups in order to avoid fatal results.

215. On 2 June 1989, a letter was received from the Government of Honduras transmitting a communication from the Interinstitutional Commission of Human Rights of Honduras concerning alleged cases of detention and death threats. According to the communication, Milton Jiménez Puerto was performing his work as a lawyer, with all the guarantees to which he was entitled, and the case of David Franco was not known to the Commission. Concerning alleged death threats to Juan Almendarez Bonilla, Jorge Arturo Reina, Ramón Custodio López and Oscar Anibal Puerto, it was stated that such reports seemed to have been circulated for their publicity and that Ramón Custodio López had not accepted the protection offered to him.

216. The Special Rapporteur also received from the Interinstitutional Commission of Human Rights official reports on certain cases as follows:

(a) Salmon Vallecillo Andrade, Edgardo Herrera, Roberto Garay and José Lito Aguilera. Although the investigation into their death was not completed, the inquiries made by the competent courts suggested that the motives for these murders were not political and that the murders had not been committed by "death squads", "since there are no death squads in the country". With regard to the death of José Lito Aguilera, the competent military court had made inquiries but to date no one had been accused or brought before the court;

(b) Ramón Abad Custodio, Hector Hernandez, Juan Almendares, Anibal Puerto and Gladys Lanza. The allegations of death threats against these persons had been made solely by thirst for publicity, since the persons concerned had never filed a formal complaint before the competent courts. These persons enjoyed all the guarantees established by the Constitution of the Republic;

(c) José Maria Leiva. In the case of the murder of the Salvadorian refugee, three soldiers of the 12th Infantry Battalion in Santa Rosa de Copán had been prosecuted in the military court of Copán and a detention order had been issued. The proceedings were still in the investigation stage;

(d) Nolberto Flores Flores, alias "the Tailor". Flores Flores had been accused by the Public Security Force (FSP) of having committed various offences, including theft and rape; he was arrested by the National Directorate of Investigation (DNI) and, according to information from the Directorate, was taken to the settlement of Campo Cielo to identify his accomplices in the commission of those offences. However, when they arrived there, his accomplices ambushed them and Nolberto Flores Flores was wounded. While the officers were in confusion, trying to catch their attackers, he fled in a taxi which took him to the Training Hospital, where he was treated for two wounds, and found by the DNI officers. Eventually, Nolberto Flores Flores took them to the supposed refuge of the criminals. When they arrived there Flores Flores made off at a run, as a result of which the officers, fearing that he would lead them into another trap, used their regulation weapons and mortally wounded him. The military court, in its turn, reported that on 6 April 1989 inquiries were instituted to ascertain the circumstances in which Nolberto Flores Flores lost his life; communications were addressed to the Forensic Medical Department of the Supreme Court of Justice, the Training Hospital, the National Directorate of Investigation, etc. To date, three DNI officers had appeared before the military court so that it might determine what responsibility they bore for the death of Nolberto Flores Flores and how they should answer for their actions if they were guilty;

(e) Miguel Angel Pavón and Moises Landaverde. The judicial power had encountered difficulty in clarifying and studying the criminal acts since it had no judicial technical police. The investigation remained open.

India

217. On 24 July 1989, the Special Rapporteur sent a letter to the Government of India transmitting allegations of the involvement of police forces in a number of cases of death, as follows:

(a) Since February 1989, in the State of Assam, in the context of the movement for a separate homeland for the Bodo tribe, at least 10 persons had been killed in the town of Udlaguzi, including Uppen Basumatary, a 14-year-old student who had been killed on 16 March 1989, allegedly by persons acting in connivance with the police. No action was said to have been taken to investigate these killings or to arrest those responsible therefor;

(b) Rajinder Pal Singh Gill, a professor at Punjab Agricultural University, Ludhiana, had reportedly been killed on 26 January 1989, while in police custody, following his arrest at a relative's house in Chandigarh on 25 January 1989. According to the police, he had died in an armed encounter, but they had produced no evidence to that effect, and eyewitnesses claimed to have seen the professor in custody at CIA Headquarters, Ludhiana, late on 25 January and again at about 9 a.m. on the 26th. Subsequent to the filing of a habeas corpus petition on 8 February 1989, the Punjab and Hariyana High Court was said to have directed the police to produce the subject in court on 10 February. The police had reportedly requested an extension of the period, and on 15 February the Senior Superintendent had announced that the subject and two others had been killed in an "encounter" with the police at Khehra Bet on 26 January;

(c) With regard to the alleged deaths during the communal violence at the end of May 1987, in Meerut, Uttar Pradesh, which had been communicated to the Government of India by the Special Rapporteur, 13 of the victims had reportedly been identified. While it was stated in the Government's reply to the Special Rapporteur on 13 September 1988 that the State Government of Uttar Pradesh was carrying out investigations, the findings of any investigations were not known to have been made public.

218. The Special Rapporteur requested information on these allegations, in particular on any investigations by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths.

219. On 24 July 1989, another letter was sent to the Government of India transmitting a number of reports of killing of unarmed civilians in Sri Lanka for which members of the Indian Peace Keeping Force (IPKF) were allegedly responsible (see paras. 379 et seq. below).

220. On 8 November 1989, a cable was sent to the Government of India concerning a report that, during the previous several weeks, in various towns in Uttar Pradesh, Rajasthan, Madhya Pradesh, Bihar, Bengal and Gujarat, hundreds of persons had died as a result of communal violence. In Bhagalpur, between 24 and 26 October 1989, more than 100 persons said to be Muslims had allegedly died in violent communal clashes. It was alleged that there had been no effective intervention by the law enforcement authorities to prevent communal clashes and deaths of citizens. In that connection, concern was expressed that more incidents of violence might occur in Ayodhya and other towns as communal tension was mounting over the laying of the foundation stone of a Hindu temple on the site of the Babri Masjid Mosque.

221. The Special Rapporteur, expressing his confidence that the Government was making every effort to protect the right to life of every citizen, despite various difficulties it might be facing in dealing with communal violence, appealed to the Government further to strengthen its measures to ensure that the right to life of every citizen be protected.

222. On 14 November 1989, another letter was sent to the Government of India transmitting allegations that, during the past several years, in Punjab, in the situation of political violence, staged killings of alleged or real political activists by the police had taken place. In several cases, the victims had allegedly been killed in a summary manner by the police after their arrest, unacknowledged detention and interrogation, often under torture. The incidents resulting in such deaths had frequently been officially described as violent encounters with the police.

223. Some such cases occurring in the Punjab in 1989 were listed as follows:

(a) On 26 May 1989, in Patiala, Avtar Singh was killed by the Patiala police after having been tortured. The death was described as taking place in an encounter;

(b) On 24 April 1989, in Phillaur, Surinder Singh was arrested by an ASP and a SHO and detained at the police station, where he was tortured. He died on the day following his release;

(c) On 14 April 1989, in Ludhiana, Harjinder Singh was arrested at his home. On 21 April the police stated that he had been killed in an encounter;

(d) On 1 June 1989, in Ludhiana, Charanjit Singh was arrested by a SHO and other police officers from the Kharar police and killed near Mullanpur in the night of 2 and 3 June. The incident was described by the authorities as a death in an encounter;

(e) On 30 March 1989, in Khatkarkalan village, Manjit Singh, Bahi Sarwan Singh and Sukhdev Singh were arrested by the Banga police and killed near Berowasi village;

(f) On 29 March 1989, in Nurmahal, Balraj Singh Raji was arrested by the Nurmahal police. He was tortured and died on 15 April 1989;

(g) On 25 April 1989, in Bakhugarh, Roshan Singh was arrested by the Hoshiarpur police. He was produced in court on 10 May 1989. Later the police announced that he had been killed in an encounter;

(h) On 10 March 1989, in Amritsar, Sulkhan Singh was shot dead by members of the Central Reserve Police while visiting his relatives. The police asserted that he had been killed in an encounter;

(i) On 16 June 1989, in Bhanu, Sarbjit Kaur, aged 14, and Salwinder Kaur, aged 13, were found dead. They had been raped and killed by two police officers;

(j) On 13 April 1989, in Jalandh, Gurnam Singh Butter was arrested by the Jalan police. Later the police announced that he had been killed in an encounter;

(k) On 27 March 1989, in Talwandi, Balbir Singh was arrested by the police and killed on 28 March 1989 while in police custody;

(l) On 11 April 1989, in Jhamleka, Bhai Sukhdev Singh was arrested by the Amritsar police and killed in police custody on 12 April. The police announced that he had been killed in an encounter;

(m) On 22 May 1989, at Wadala Canal, Harminder Pal Singh and Avtar Singh were arrested by the Beas police. On 29 May they were killed by the police near Jodha Sheren village. The police announced that they had been killed in an encounter;

(n) On 21 May 1989, in Amritsar, Geja Singh was taken by officers of police station "B" and killed on 26 May. The police later announced that he had been killed in an encounter.

224. It was further alleged that, in June 1989, in Jammu and Kashmir State, a Sikh youth named Sarabjit Singh, aged 26, had been arrested in his village, Daoli Bishnah, in connection with a case of bank robbery. He had died in detention by the next morning as a result of torture at the police station.

225. In addition, in Bihar State, several persons were said to have died in police custody as a result of torture. The Special Rapporteur received the following allegations of death in detention:

(a) On 2 April 1989, Ram Naresh Singh, aged 35, a farmer from Medhoul village in Begusarai District, was taken into custody at the Khodobandpur police station together with his father, in connection with a dispute about land. He died on 3 April 1989 at Begusarai hospital after having been severely beaten by members of the Khodabandpur and Cheria Bariarpur police. It was reported that the Bihar Government had ordered a magisterial inquiry and that the superintendent of police of Begusarai District had brought murder charges against the officer in charge of the Khodabandpur police station and the *munshi*, and suspended four police officers involved in the incident, including the above-mentioned two;

(b) On 15 July 1989, Basudev (or Vasudeo) Ravani, aged 55, a coalminer and a member of the coalminers' union, was arrested and beaten to death at Loyabad police station. It was alleged that the police had acted in connivance with the doctor who performed the *post mortem*; the doctor had produced a report which did not implicate the police;

(c) On 9 May 1989, Mohammad Muntaz, from Hazaribagh, died at Bahri hospital after having been tortured by the Bahri police while in their custody. According to the police, he was injured when he jumped out of a police jeep while being transferred from Bahri to Hazaribagh. The police did not hand over the body to his relatives but buried it in an unknown place.

226. The Special Rapporteur requested information on the above-mentioned cases and on any investigations made and any measures taken by the authorities and/or the judiciary to establish the facts and to bring those responsible to justice.

227. On 15 December 1989, a reply was received from the Government of India to the Special Rapporteur's cable of 8 November 1989 stating that the Constitution guaranteed the right to freedom of religion and ensured that the people remained committed to tolerance and allowed persons of different faiths fully to enjoy their rights and freedoms, and that civil servants and public officials were enjoined to ensure that, in the course of their official duties, they fully respected different religions and beliefs and did not discriminate against persons professing other religions or beliefs.

228. According to the reply, despite the sincere desire of the Government to preserve religious harmony, incidents of communal violence occasionally occurred. Sometimes these had resulted from the activities of misguided persons or anti-social elements; at other times they had resulted from misunderstandings and prejudices among different community members. Whenever instances involving communal violence took place, the Government acted swiftly to bring the situation under control and to punish those found guilty, and whenever governmental agencies anticipated such incidents, pre-emptive action was taken to ensure that communal and religious peace was not disturbed.

229. With regard to the incidents referred to in the cable, it was stated that serious incidents involving two communities had in fact occurred in Bhagalpur, District of Bihar, in late October 1989, and that, when it had appeared that the civil administration might not be able to maintain law and order by itself, the army had been called out to assist it. It was further stated that, to prevent further loss of life, shoot-at-sight orders had been issued in the town, a curfew had been imposed in certain parts of it, and steps had been taken to bring the situation under control. In this regard the following extract from the statement made by the then Union Home Minister of India on 12 November 1989, was quoted in the reply:

> "The Government has always made it clear and would like to reiterate that communal peace will be maintained at any cost and that those guilty of indulging in communal violence will be sternly dealt with so that the interests of the minorities and also those of the majority community affected by such communal violence are fully respected. No place of worship or any area considered sacred or hallowed would be allowed to be desecrated or defiled in any way."

230. The reply also stated that Indian law forbade a police officer to use more than the minimum force required to deal with a particular situation, that the legal codes denied the power to cause the death of the person sought to be arrested by the police officer even if he was resisting or evading arrest, and that the use of force disproportionate to the situation was unauthorized. It was also stated that, if any illegitimate use of force by the police for any purpose whatsoever came to notice, the instructions required an immediate inquiry to be conducted into the circumstances of the case, and that, if any prima facie evidence of excessive or illegitimate use of force was found, the delinquent official was liable to severe punishment.

231. It was also stated that the Government had been taking all possible measures to ensure that the right to life of every citizen was protected, and that the incidents referred to in the cable did not fall within the Special Rapporteur's mandate. The deaths referred to had resulted from violent communal clashes, and were clearly not the same as summary executions by governmental agencies.

Indonesia

232. On 26 April 1989, the Special Rapporteur sent a letter to the Government of Indonesia concerning the allegation that, at the beginning of February 1989, dozens of people had been killed in Central Lampung, Sumatra, when government troops, following an ambush on 3 February in which one of their officers had been taken hostage, surrounded the hamlet of Talangsari III, opened fire on the villagers and set fire to their homes. The massacre had allegedly been part of an operation by paracommandos, under the command of Captain Soetiman who was subsequently taken hostage. According to the report, three days after Captain Soetiman had been taken hostage in retaliation for the torture allegedly inflicted by him on several persons arrested in early January for holding religious gatherings in their homes, troops attacked the place where Soetiman was being held, firing at random regardless of the presence of innocent people. Soetiman was said to have been killed by the captors during the attack. It was alleged that 57 persons had died in the incident and that 32 had been gravely wounded.

233. The Special Rapporteur requested information on this allegation and in particular on any investigation by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths.

234. On 14 November 1989, another letter was sent to the Government of Indonesia transmitting allegations that, in East Timor, several civilians had been killed by Indonesian military personnel since autumn 1988. The victims were described as having been critical of the Indonesian authorities or as having participated in non-violent activities in pursuit of political change in East Timor. In some cases, the execution had allegedly been followed by mutilation or decapitation of the victims or by threats to the lives and property of witnesses.

235. Some of those allegations are listed by way of example as follows:

(a) On 31 October 1988, In Dilor-Lacluta, Carlos Mendes da Silva, aged 22, and Luiz da Cruz, aged 20, were shot dead by members of the 726th battalion who were reportedly carrying out mass arrests. Although several persons witnessed the killings, the local military commander issued a statement attributing the killings to Fretilin;

(b) On 23 March 1989, in Venilale, Aleixo Ximenes, aged 30, was killed by a member of the 328th battalion;

(c) In early April 1989, Joaquim Ximenes, aged 38, was killed by troops of the SATGAS (Special Tasks Unit) of the 328th battalion;

(d) On 14 May 1989, in Wailale, Juliao Freitas, aged 54, was killed by members of the 315th battalion;

(e) On 11 June 1989, in Venilale, Felix Ximenes, aged 55, from the village of Uma-Umano Uli, and Gaspar de Sousa, aged 50, were killed by a member of the 315th battalion.

236. The Special Rapporteur requested information on the above-mentioned cases and on any investigations made and any measures taken by the authorities and/or the judiciary to establish the facts and to bring those responsible to justice.

237. On 11 October 1989, a reply was received from the Government of Indonesia to the Special Rapporteur's letter of 26 April 1989 concerning the alleged incident of killings in Lampung, Sumatra, in February 1989.

238. According to the reply, on 1 February 1989, the head of Talangsari village, district of Way Japara, informed Captain Soetiman of the local law enforcement authorities of the presence of a group of persons called "Mujahidin Fisabililah Commando" in his village, who were said to be armed with molotov cocktails, swords and poisonous arrows. It was stated that the group's activities included inter alia incitement of the public against the Government and the national ideology - the Pancasila - through the use of violence. It was also stated that, on 5 February 1989, five members of the group were arrested for possession of poisonous arrows and swords which, it was suspected, they were preparing to use to disturb security. It was stated further that, when the representatives of the local authorities came to the

group's hideout to discuss the matter peacefully, they had been attacked with poisonous arrows and swords, and that Captain Soetiman had died in the attack. The group was said to have refused to hand over his body to the local authorities. On 7 February 1989, when the provincial law enforcement unit had tried to retrieve the body of Captain Soetiman, they were attacked, and in the ensuing clash 33 persons had died, including Anwar, alias Warsidi, leader of the group, and another member of the group. Nineteen members of the group were said to have been arrested.

239. It was further stated that, in addition to that incident, the group had raided isolated police posts on 6 February 1989, and on 7 February had killed two policemen at the Forest Police at Mount Balak, and also the head of Sidoredjo village, commandeered a public transport vehicle, killing the driver and a soldier, and hurled molotov cocktails at the office of the Lampung Post newspaper in Bandarlampung, and that on 8 February they had attacked the District Military Command. The armed forces, law enforcement units and local authorities had been compelled to take action to protect the safety of the public in general. It was further stated that the Government had almost completed the investigation on the "Lampung incident" and begun judicial proceedings, and that six of the perpetrators were on trial in the Court of First Instance in Tanjungkarang, Lampung, which had opened on 20 September 1989. Five others would shortly be brought to trial. They were said to be accused of being in violation of the provisions of Law No. 11/PNPS/1963 on anti-subversion.

240. On 15 December 1989, a reply was received from the Government of Indonesia to the Special Rapporteur's letter of 14 November 1989, transmitting information concerning the two alleged cases in East Timor as follows:

"1. Aleixo Simenes, aged 30, father of two children, is still alive and is presently the Speaker of the House of Representatives of the Regency of Baucau.

"2. Felix Ximenes, aged 55, is still alive and is the primus inter pares (raja) of Venilale region."

Iran (Islamic Republic of)

241. On 3 March 1989, the Special Rapporteur sent a cable to the Government of the Islamic Republic of Iran concerning the reported official death warrant or execution order issued on the person of Salman Rushdie, a novelist of British nationality.

242. The Special Rapporteur drew the attention of the Government to the international obligations to which the Islamic Republic of Iran was a party, in particular the International Covenant on Civil and Political Rights, and stated that, according to internationally accepted norms, the life of every human being was sacred and that no one should be arbitrarily deprived of life without due process of law. In that regard, the Special Rapporteur appealed to the Government to review the above-mentioned execution order, if only on humanitarian grounds.

243. On 16 June 1989, another cable was sent to the Government of the Islamic Republic of Iran concerning the information that two persons, named Rouhangiz Byahmadi and Darius Byahmadi, were facing imminent execution in Teheran. Rouhangiz and Darius Byahmadi were said to be the sister and brother

respectively of Colonel Attaollah Byahmadi, one of the officers involved in a military coup attempt in 1980, who was reportedly found shot dead recently in Dubai. It was alleged that the reason for their detention was their relationship to Colonel Attaollah Byahmadi and that they were being tortured in detention.

244. The Special Rapporteur, expressing his serious concern for the life of Rouhangiz and Darius Byahmadi, appealed to the Government to take all measures to ensure that their right to life be protected. In that connection he referred to article 6 of the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran was a party. He also requested information on the above-mentioned cases.

245. On 24 July 1989, the Special Rapporteur sent a letter to the Government of the Islamic Republic of Iran stating that, since August 1988, a large number of prisoners allegedly detained for their opposition or suspected opposition to the Government had reportedly been executed without trial or after a summary trial. It was also alleged that several prisoners had been executed after having already served or while serving sentences of imprisonment. The Special Rapporteur had received lists of executed prisoners containing a total of over 1,000 names, including women and minors.

246. The Special Rapporteur requested information on these allegations and in particular on the legal proceedings under which the reported executions had been carried out.

247. On 14 November 1989, the Special Rapporteur sent another letter to the Government of the Islamic Republic of Iran transmitting allegations that, during the past year, in various parts of Iran, several thousand persons had been executed without trial or with a trial of an extremely summary nature and that, in particular, after an armed incursion into western Iran in July 1988 by members of the People's Mojahedin Organization (PMOI), the number of executions had markedly increased. A list of 2,023 names of persons executed in 1988, allegedly for political reasons, and lists of 404 names of persons executed between January and August 1989, had been received by the Special Rapporteur. Most of the victims were said to have been PMOI members and supporters; but hundreds of prisoners from other political factions were also said to have been executed. Many of the executions had allegedly been carried out secretly, with no announcement of their date or place or the place of burial of the executed. Allegedly, no bodies had been returned. Among those executed were allegedly prisoners who had been serving prison terms or persons whose sentences had expired but who had remained in detention, as well as prisoners who had never been tried or sentenced. Several victims were said to have been rearrested after they had been released. The executed allegedly included women and minors below 18 years of age.

248. Among the prisoners for whom the Special Rapporteur had made appeals in his previous communications in 1988 and early 1989, the following were reported to have been executed: Youssef Ab-Khun, Houshang Aziami, Mahmoud Faraji, Zohref Ghaeni, Kiumars Goodarzi, Jafar Jahangiri, Sadegh Karimi, Mohammad Khan Mohammadi, Zahra Mirzai, Malekeh Mohammadi, Jalal Noori, Mohammad Pasha, Lohrasb Salavati, Majid Sorouri, Najaf Zarei, Khosro Assiabani, Fariborz Eskandari, Hadi Fooladi, Salman Ghassemi, Fatemah Izadi, Ghassem Javanshoja, Mohsen Kazemi-Zadeh, Hossein Mahiguir, Hassan Moezi, Bahman Moussapoor, Shahrokh Noori, Mohsen Piri, Shahriyar Sanjabi and Asghar Vakhshouri.

249. Furthermore, from the beginning of 1989, a large number of persons, said to have been convicted of non-political offences such as drug trafficking, murder, rape and armed robbery, had allegedly been executed after summary trials by revolutionary courts under new directives to the judiciary to speed up the punishment of crime. The alleged offenders were said to have been arrested, tried and executed within a few days. The defendants had allegedly had no right to call witnesses in their defence or to legal representation, nor had they had any effective right to appeal against the verdict or sentence. Among reports of executions of alleged drug traffickers were executions of 50 persons on 16 January 1989 and of 79 others on 19 August and, most recently, on 11 November. The total number of officially announced executions for drug-related offences between January and August 1989 had reportedly reached 851, of a total of over 1,200 executions. It was alleged that a considerable number of political oponents had been executed on drug charges. These included the following:

Name	Place	Date
Homayoun Solati	Tehran	Unknown
Shahrokh Shams	Assadabab, Hamedan	April 1989
Mehdi Sabeti	Mashhad	18 July 1989
Mohammad Younessi	Hameda	19 August 1989
Mohammad Gholi Ebrahimi	Rasht	19 August 1989
Bishan Biglari	Kermanshah	19 August 1989
Bahram Kazemi	Shiraz	19 August 1989
Massoud Sabet	Shiraz	19 August 1989

250. In addition, it was alleged that supporters of the PMOI had been attacked outside the country by Iranian government agents. Such incidents included the killing of Mr. Ghassemlou and his aides in Vienna and of an Iranian refugee in Larnaca, Cyprus, as well as the killing in Karachi, Pakistan, in December 1988, of an Iranian national.

251. The Special Rapporteur requested information on the above-mentioned cases and on any investigations made and any measures taken by the authorities and/or the judiciary to establish the facts and to bring those responsible to justice.

252. On 24 July 1989, a reply was received from the Government of the Islamic Republic of Iran to the Special Rapporteur's cables of 14 September 1988 and 26 August 1989, (E/CN.4/1989/25, para. 142). The reply stated that the propaganda campaign carried out by enemies and dissidents of the Islamic Republic of Iran seemed to have created the impression that punishments in the country were not being carried out in accordance with law, and that the accused were punished without recourse to legal procedures. The reply, referring to articles 19, 22 and 32 of the Constitution, which provided for human rights and basic liberties, including freedom from arbitrary arrest, stated that the judicial authorities had investigated all cases and made final decisions satisfying all legal requirements, without any prejudice, and that, during the legal proceedings, the accused had had the right to defend themselves and to appeal for further expert investigations.

253. On 24 July 1989, a reply was received from the Government of the Islamic Republic of Iran to the Special Rapporteur's cable of 11 November 1988 (E/CN.4/1989/25, para. 142), stating that Ali-Akbar Shalgoolney had been

arrested on 8 October 1983 and tried on 25 February 1983; he had been found guilty of subversive activities against the security and independence of the Islamic Republic of Iran and sentenced to 15 years' imprisonment, and was serving his term of imprisonment. It was also stated that Adel Talebi had been tried on 27 October 1988 and condemned to death for his violent activities against the Islamic Republic of Iran, and that the death sentence had subsequently been carried out.

254. On 4 August 1989, a reply was received from the Government of the Islamic Republic of Iran to the Special Rapporteur's cable of 3 March 1989, stating that the Special Rapporteur's intervention in the case of Salman Rushdie's criminal offence against Islam and the world Muslim community was outside his mandate, and thus unwarranted. The reply further stated that the declaration adopted by consensus at the 18th Islamic Conference of Foreign Ministers held in Riyadh, Saudi Arabia, from 13 to 16 March 1989, had proclaimed, in unambiguous terms, the apostasy of Salman Rushdie.

Iraq

255. On 19 May 1989, the Special Rapporteur sent a letter to the Government of Iraq concerning alleged executions as follows:

(a) In the middle of October 1988, four members of a family of Assyrian ethnic background were executed in Arbil, without charge or trial. They had been arrested on their return to Iraq after the amnesty decree issued on 6 September 1988. The four were said to be: Poles Azzoshiba, aged 61; Misco W. Shiba, aged 59; Hamama Poles Azzo, aged 29; Sabiha Poles Azzo, aged 25;

(b) In the middle of December 1988, some 83 persons, the majority of whom were said to be army deserters, were executed after having been arrested in June or July 1988 in villages in the Koi Sanjag area of Arbil Province. No trial was known to have been held;

(c) In early January 1989, 14 persons, army personnel and Baath Party officials, were executed after having been arrested in Baghdad and Mosul in December 1988 together with some 200 persons on suspicion of plotting a coup. No trial was known to have been held before their execution;

(d) In September 1988, two doctors, Hisham Mahir al-Salman and Ismáil Hassan al-Tartar, were executed on the evidence of a taped recording of remarks which they had made regarding the President of the Republic during a private party in Baghdad. No public trial was known to have been held prior to their executions.

256. The Special Rapporteur requested information on these allegations and in particular on the legal proceedings under which the alleged executions had been carried out.

257. On 14 November 1989, the Special Rapporteur sent another letter to the Government of Iraq transmitting allegations that, in mass detention centres for forcibly relocated Kurds, large numbers of persons had died as a result of extremely harsh conditions, such as malnutrition, physical and psychological ill-treatment, and epidemics of infectious diseases. These detention centres were said to be: Nekrat al-Salman, Al Ramadi, Dara Man, Tob Zowa, Al-Dibis

and Abu Ghraib. The detainees reportedly included civilian victims of chemical weapon attacks on the areas of Kirkuk and Suleimaniyah governorates and other inhabitants of Kurdish villages. It was alleged that among the detainees loss of life was occurring daily, especially among children and the elderly.

258. The names of 13 persons who had allegedly died in detention at Nekrat al-Salman prison and of four infants and a father together with his three children who had allegedly died at Al-Dibis prison were mentioned in the letter.

259. In addition, it had been alleged that, in August and September 1988, a large number of persons had been executed in various cities without trial or after a trial of a summary nature. Those executed were reportedly accused of deserting from the army, harbouring rebels or co-operating with opposition forces.

260. Some of the alleged incidents of executions were listed as follows:

(a) In Basrah, 195 persons, including Khalid Subhan Al Assadi, Ja'ffir Abdul Hassan Al Assadi, Sabra Hamed Al-Shamary and Sahi Abdul Wahab;

(b) In Nassiriya, 285 persons, including Kathum Al Ramah, sheikh of the Al-Fehood tribe;

(c) In Misan, Al Amara, 27 persons, including Moosa Abdel Hadi;

(d) In Al Najaf, Ramaz, 96 persons, including Abdel Nabi Hadi, Makhtar of the Ramaz country and his five nephews;

(e) In Al Muthanna, 59 persons, including the head of the National Council for the region;

(f) In Babel, 43 persons, including the head of the Popular Organization in the area;

(g) In Al Anbar, 22 persons, including the sheikh of the Al-Ahmadi tribe;

(h) In Sulaimaniyah, 20 persons executed on different dates for desertion;

(i) In Mosul, Hanan Al-Halil, two persons;

(j) In Dohok, a peasant named Abu Mas'oud;

(k) In Arbil, Enconwa, the family of Abdel Messiah Polis;

(l) In Arbil City, 12 persons who had turned themselves in during the amnesty period;

(m) In November 1988, at Al Qosh junction, a war deserter.

261. The Special Rapporteur requested information on the above-mentioned cases and on any investigations made and any measures taken by the authorities and/or the judiciary to establish the facts and to bring those responsible to justice.

262. On 26 June 1989, a note was received from the Government of Iraq transmitting information concerning the Government's decision to create a depopulated boundary strip of land no more than 30 km wide inside Iraqi territory and along the 1,200 km boundary with Iran and Turkey. In order to facilitate the transfer of people from the areas, the Government would grant each family compensation.

263. On 28 June 1989, a reply was received from the Government of Iraq to the Special Rapporteur's letter of 19 May 1989 stating that Susan Abdul Maseeh Boulos Salyouh, who had been referred to as Poles Azzoshiba in the Special Rapporteur's letter, had been one of the leaders of the groups that had collaborated with the Iranian régime, borne arms against the legitimate authority and committed a number of assassinations and acts of sabotage against public and private institutions in the city of Arbil and the district of Ain Kawah. He had been killed during a skirmish while engaging in his criminal operations. The other persons mentioned, who were members of his family, had been killed in tribal vendettas resulting from his above-mentioned crimes against citizens.

264. With regard to allegations concerning the execution of 83 persons, it was stated that the competent authorities denied those allegations and requested detailed information, including names and addresses, concerning the persons who had allegedly been executed.

265. It was further stated that the competent authorities also categorically denied the allegation of executions of 14 persons, the purpose of which was to fabricate accusations against Iraq, and that they requested further information, including the names of the persons concerned.

266. With regard to the two doctors, Ismail Hassan al-Tatar and Hisham Mahir al-Salman, it was stated that they had been sentenced to death on 28 June 1988, under article 193/2/c of the Amended Penal Code, by a competent court which had observed all the legal safeguards and had appointed Talib Wada'i as their defence counsel. They had been charged with committing sexual assault on female patients in their clinic in the course of their professional activities, in which they had taken advantage of the victims' vulnerability, in total disregard of professional ethics and the Hippocratic oath to respect the honour of their patients.

Israel

267. On 14 November 1989, the Special Rapporteur sent a letter to the Government of Israel transmitting the allegations that on 5 September 1989, the Chief of Staff of the Israel Defence Force (IDF) had told the Knesset Foreign Affairs and Defence Committee, that since the beginning of the uprising on 9 December 1987, IDF troops had killed 469 Palestinians, and that 21 further deaths were "unclear". Another 100 Palestinians were said to have been killed by fellow Palestinians for alleged collaboration. According to statistics published on 1 August 1989 by the Israeli Information Centre for Human Rights in the Occupied Territories, "Betzelem", 509 Palestinians had been killed by Israeli soldiers and civilians since the start of the uprising, 477 of them by live ammunition and plastic bullets, including 23 children under the age of 13 and 76 aged between 13 and 16; 32 others had died of other causes, such as beatings, burns or electrocution; over 70 others had died shortly after exposure to tear-gas, including some 30 babies.

268. According to the reports received, many deaths in the West Bank, the Gaza Strip and East Jerusalem had occurred during confrontations between the IDF and Palestinian protesters. However, other persons had been killed by IDF troops during house-to-house searches, at roadblocks, or in circumstances other than violent demonstrations. It was alleged that few of such cases of death had been adequately investigated and that those found responsible had received only disproportionately light punishments.

269. In July 1989, it was reported that in the Gaza Strip new regulations for opening fire at suspects had been introduced, according to which Palestinians in the territories who went out on the streets with their faces masked could be fired at, if they ignored an order to halt. In September 1989, it was reported that the IDF had issued new open-fire orders to soldiers serving in the territories. Under the new orders, masked individuals were said to be considered as suspects who could be shot at with live ammunition even when they were unarmed. It was alleged that these new regulations and orders had contributed to the considerable increase in the number of deaths.

270. The Special Rapporteur listed 29 cases which had reportedly occurred between February and September 1989.

271. The Special Rapporteur requested information on these allegations and in particular on any investigations by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths.

272. On 21 November 1989, in a cable sent to the Government of Israel, the Special Rapporteur referred to his cable of 10 January 1989 (E/CN.4/1989/25, paras. 169-170) concerning Soha Bechara, who had allegedly been arrested on Lebanese territory in November 1988 and accused of having made an attempt on the life of Antoine Lahad, "General of the South Lebanese Army".

273. The Special Rapporteur, having received further expressions of fear that she might have been executed after being handed over to the South Lebanese Army, and also in the absence of any information from the Government concerning the circumstances of her detention and the legal proceedings in her case, was concerned about her fate and appealed to the Government to make every effort to ensure that her right to life be protected. He also requested information on her case and in particular on her current circumstances.

274. On 22 December 1989, another cable was sent to the Government of Israel concerning the allegation that the Israeli Defence Forces (IDF) repeatedly shelled towns and villages immediately north of the so-called "Security Belt" in the southern part of Lebanon, killing and wounding civilians and causing serious material damages. According to the information, such shelling by the IDF on civilian targets had recently taken place, for example, on 2 December 1989 on the town of Nabatie and the villages of Kaffaroman and Habush, killing two persons, including a two-year-old child, and on 4 December 1989 on the same town, killing four persons. Fears were expressed regarding the safety of civilians living in the areas concerned. Furthermore, it was alleged that two persons had been killed on 27 November 1989 at the Khiyam detention centre in south Lebanon when members of the IDF, acting in collaboration with the so-called "Southern Lebanese Army" (SLA), opened fire indiscriminately on detainees who were said to be on hunger strike, protesting

against the conditions of detention. The IDF and the militia group were alleged to have refused the International Committee of the Red Cross (ICRC) access to the Khiyam detention centre.

275. The Special Rapporteur, expressing his concern for the Lebanese civilians in the areas concerned, appealed to the Government to investigate the above-mentioned incidents and to take all necessary measures to prevent further deaths; he requested information on the above-mentioned incidents and, in particular, on the outcome of the investigation and the measures taken to protect the lives of civilians.

276. At the time of preparation of the present report, no reply had been received from the Government of Israel.

Malawi

277. On 26 April 1989, the Special Rapporteur sent a letter to the Government of Malawi concerning the allegation that, in November 1988, Osborne Mkandawire, a 37-year-old journalist employed by the Department of Information of the Office of the President and Cabinet, had died in custody as a result of torture, after being arrested in early May 1988 and detained without charge at Mikuyu Prison near Zomba. His family had reportedly been informed by the authorities that he had committed suicide.

278. The Special Rapporteur requested information on this allegation and in particular on any investigation by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths.

279. At the time of preparation of the present report, no reply had been received from the Government of Malawi.

Maldives

280. On 25 August 1989, the Special Rapporteur sent a cable to the Government of Maldives concerning the allegation that 16 persons, 4 Maldivian and 12 Sri Lankan citizens, had recently been sentenced to death for their involvement in an attempt to overthrow the Government in November 1988. One of the 16 persons was named as Abdul Luthufi. It was alleged that the defendants might appeal to the President for clemency but had no right to appeal to a higher court.

281. On 13 December 1989, a reply was received from the Government of Maldives to the Special Rapporteur's cable of 25 August 1989, stating that, on 12 August 1989, 16 persons, 4 Maldivians and 12 Sri Lankan nationals, had been sentenced to death by the High Court of the Maldives, in full conformity with the legal requirements of the Maldives, for their involvement in conspiring to overthrow the legally established Government of the Republic of Maldives and organizing the terrorist armed attack in Male' on 3 November 1988.

282. It was also stated that the legal procedure of the Republic of Maldives stipulated that any decision of the High Court might be appealed to the President of the Republic for judicial review within a period of 30 days after such decision. It was further stated that the 16 persons, despite having been informed of this procedure, had failed to make such an appeal to the President

within the prescribed time period and that they had appealed, instead, to the President for clemency, in consideration of which he had commuted their death sentences to life imprisonment on 17 September 1989.

283. The Special Rapporteur, referring to article 14, paragraph 5, of the International Covenant on Civil and Political Rights, requested information on the above-mentioned cases and, in particular, on the provisions of the procedure in accordance with which the rights of the defendants had been defined and guaranteed during the trials.

Mauritania

284. On 30 October 1989, the Special Rapporteur sent a letter to the Government of Mauritania transmitting allegations that several members of the black population in the south of the country had been arrested, and some of them tortured and executed by security forces in June 1989. Most of the persons concerned were reportedly peasants or shepherds who had resisted expropriation of their land and forced expulsion to Senegal. Attention had been drawn to the following cases:

(a) Mohamed Yero Ba, headmaster of a school in Tetiane (Kaedi); it is claimed that he was tortured by police officers and died at the Kaedi police station shortly after his arrest in the second half of June 1989;

(b) Abdramane Abda Lans, a shepherd from the region of M'Bout, Abou Ka, aged 26, a shepherd from Dindi (Kaedi) and Samba Ka, aged 52, a shepherd from Tetiane (Kaedi), were allegedly killed by members of the security forces in June 1989.

285. The Special Rapporteur requested information on these allegations and in particular on any investigation by the competent authorities, including autopsies, and on any measures taken to prevent the further occurrence of such deaths.

286. At the time of preparation of the present report, no reply had been received from the Government of Mauritania.

Mexico

287. On 27 June 1989, a cable was sent to the Government of Mexico concerning the allegation that members of the Union of Indigenous Communities of the Mixe Zone of the Isthmus (UCIZONIO) had received death threats from military personnel belonging to the Sixth Artillery Regiment, Matias Romero detachment, Oaxaca. It was alleged that, on 16 April 1989, the Mixe representative, Cristoforo José Pedro, had been murdered in the town of Buenavista, Oaxaca, by four individuals using machetes. One of the four was reported to have been detained and to have identified one of his accomplices as Juan Abad Juan Valdespino, a soldier from the above-mentioned regiment.

288. The information received further indicated that the Judicial and Human Rights Commission of UCIZONIO had instituted criminal proceedings against the alleged murderers, as a result of which it had been subjected to intimidation by members of the regiment, led by its commanding officer, Colonel Javier del Real Magallanes. The intimidatory acts had included violent incursions by military personnel into the offices of UCIZONIO on 26 and 29 April 1989 and

threats against the organization's personnel. Furthermore, information was received that on 11 May 1989 Telesforo Lara Lara had been kidnapped in Hidalgo by a paramilitary group. His mutilated body was reported to have been found later. Paramilitary groups, supported by the army, were alleged to have prevented his relatives from recovering the body. In addition, the peasants who reported the incident were alleged to have been detained.

289. The Special Rapporteur appealed to the Government to investigate the above-mentioned cases and to take all necessary measures to protect the right to life of the above-mentioned persons facing death threats, in particular those who demanded criminal justice before the court. He requested information on these cases, and in particular on the measures taken to protect their lives.

290. On 6 July 1989, another cable was sent to the Government of Mexico concerning the allegation that, on 19 May 1989, in Hidalgo, Antonio Marcos Hernandez, a peasant leader, had been killed in a land ownership dispute. In past years, other peasant leaders had allegedly been killed for similar reasons. Among those killed were said to be Benito Hernandez Cruz in 1984, Leodegario Martinez in 1985 and Anacleto Ramos Ramirez in 1987. It was alleged that well-known landowners were responsible for these killings. It was also alleged that no investigations had been carried out into these cases by the Hidalgo State authorities and the State Attorney, and that the cases had remained unclarified for years, while those responsible enjoyed impunity. Expressions of concern had been received for the life and safety of the witnesses of these killings in the region, and in particular of the lawyers, Telesforo Miranda, Pilar Noriega and Barbara Zamora, who had represented the peasants in those cases.

291. The Special Rapporteur appealed to the Government to investigate those cases and to take the necessary measures to protect the right to life of the persons concerned, in particular those who demanded justice before the court. He requested information on the cases and on the measures taken by the Government.

292. On 10 August 1989, another cable was sent to the Government of Mexico concerning alleged death threats against lawyer Rosario Huerta Lara, legal representative of the Mahma indigenous community of Embarcadero, in the municipality of Ilamatlan, Veracruz. According to the information received, on 7 July 1989 the peasant Pedro Hernandez had been murdered in Embarcadero. He had reportedly been warned previously by the delegate in Veracruz of the Department of Agrarian Reform, Mario Ramirez Breton, not to return to Embarcadero because he would be killed. A similar warning had reportedly been given to the peasants Zozimo Hernandez, and Carolina Ramirez, and to lawyer Rosario Huerta Lara. On 12 July 1989, the same officer had allegedly warned the lawyer a second time not to go to Huayacocotla because she would be killed and the same warning had been given to Zozimo Hernandez, because both "had been clearly identified".

293. The Special Rapporteur appealed to the Government to take measures to protect the right to life of those threatened and requested information on the measures taken by the Government.

294. On 25 August 1989, a reply was received from the Government of Mexico to the Special Rapporteur's cable of 6 July 1989, stating that the homicide of Artemio Marcos Hernández had in no way constituted a summary or arbitrary execution but a common crime, and that it had been investigated by the competent authorities of the State of Hidalgo, including autopsy, but that it had not been possible so far to identify the perpetrators.

295. On 29 August 1989, a reply was received from the Government of Mexico to the Special Rapporteur's cable of 10 August 1989, stating that the incident in question did not constitute a matter within the mandate of the Special Rapporteur. It was stated that the Government of the State of Veracruz had investigated the case, that the technical juridical study currently undertaken concerning land in the municipality of Llamatlán, Veracruz, had stirred up a certain discontent among the small landowners, and that the serious problem of land ownership in this municipality had caused conflicts, including violent ones. In that context, the Secretary of the Agrarian Reform had warned the lawyer Huerta that discontent might be incited and that her mere presence could cause disturbance. The lawyer had apparently accepted the warning made by Mr. Ramírez Bretón without any bad feeling or misunderstanding.

296. On 20 October 1989, another reply was received to the Special Rapporteur's cable of 10 August 1989 concerning the killing of Pedro Hernández Reyes. According to the reply, he had been killed on 6 June 1989 on his way home from legal proceedings in the State of Hidalgo, at a place called Tecomatechico along the road leading from Ilamatlán to Embarcadero. A preliminary inquiry into the case had been held by the Office of the District Attorney in Huayacocotla, Veracruz, and the judicial police for Huayacocotla and Ilamatlán was continuing the investigation.

Nicaragua

297. On 24 July 1989, a letter was sent to the Government of Nicaragua transmitting allegations that persons alleged to be members of the Contra rebels had been killed by the security forces. The following cases were described as occurring in the second half of 1988:

(a) On 18 July 1988, members of the Diriamba police killed the peasant José Manuel Hernandez Soto when he objected to the arrest of his son Francisco (EL Carrizal, Carazo);

(b) On 12 August 1988, State security agents arrested the peasant Alfonso López Rivera in Estali. Some days later, the Ministry of the Interior stated that López, a member of the Contra, had died in a clash with the army;

(c) On 6 September 1988, Vicente Ruiz Acuña was arrested in San Isidro, Matagalpa. Some days later, his body was located at the Hospital de la Trinidad;

(d) On 28 October 1988, army personnel killed Gavino Martinez García while he was working in the fields in Waslala, department of Zelaya;

(e) On 27 July 1988, Eleazar Herrera, chairman of the Departmental Office of the Conservative Party in Matagalpa, was killed by soldiers;

(f) On 24 August 1988, Valeriano Torres Gómez, member of the town council of the Valle del Wapi, was killed in the port of la Esperanza by soldiers.

298. The Special Rapporteur requested information on these allegations and in particular on any investigation by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths.

299. On 16 March, 12 May, 6 June, 3 July and 20 September 1989, replies were received from the Government of Nicaragua to the Special Rapporteur's letters of 28 July and 9 November 1988 concerning alleged cases of summary or arbitrary executions as follows:

(a) Roger Francisco Poveda Osorio. On 8 April 1987, Roger Francisco Poveda Osorio was sentenced to two years and six months' imprisonment for armed robbery. He began serving his sentence in the "Mario González" disciplinary unit. On 24 May 1987, Mr. Poveda began drinking early in the day and, in the evening, he picked up a gun and told his friends that he was going to kill himself because of personal problems. This attempted suicide was nevertheless prevented. In the early morning hours, Mr. Poveda managed to get his hands on another gun and used it to shoot himself in the stomach; he died in the presence of witnesses;

(b) Eddy Moisés Barrera Morales. At 8.45 a.m. on 21 April 1988 Eddy Moisés Barrera Morales and Francisco Barrera, both members of the Sandinista People's Army, stationed at the "Hilario Sánchez" Officers' Centre, Jinotega, approached a taxi opposite the public auction office at Managua. They threatened the owner of the taxi, seized his belongings and forced him to take them to the city of Leon. At 11 a.m. on the same day, these men threatened with death with their rifles two officers of the Sandinista Police stationed at Km. 81 on the Managua-Leon road, whom they disarmed and robbed of their belongings. They then exchanged vehicles, abandoned the taxi, compelled the police officers to take them to Pagronica at Malpaisillo, and abandoned them there. At 7.30 a.m. on the following day, 22 May 1988, the two Barreras, who were eager to escape, intercepted a small private truck and forced the driver to take them to the "Cuatro Palos" farm. The driver succeeded in advising the police of the whereabouts of the men, and as a result the police of San Francisco Libre, in co-operation with the police of León, found the two Barreras in an uninhabited house; upon being summoned to surrender, they answered by opening fire and there was an exchange of shots which resulted in the death of Eddy Barrera and in injuries to Francisco Barrera;

(c) Carlos Hods Downs. Carlos Hods Downs was arrested on 19 May 1988 by the Corn Island police and taken to a police unit. Melvin Davila Soza, second lieutenant at the Ministry of the Interior, who had been sent from Bluefields to arrest Hods Downs and Omar Apolinar Amador Valle, a mechanic resident of Cucrahill, took Hods Downs out of the police unit at about 11:30 p.m. on 19 May 1988 and told him to run. Davila Soza and Amador Valle then shot him from behind. He was taken to the clinic of Corn Island where he received minimum first aid treatment, due to the inexperience of the nurses in treatment of bullet wounds. Hods Downs died on 20 May 1988 due to haemorrhage. The Military Tribunal condemned Melvin Davila Soza and Omar Amador Valle to six years' imprisonment;

(d) José Félix Lago Soto. In response to a complaint filed in connection with the death of Félix Lago Soto in the fifth military region, the Military Court of that region investigated the events, the alleged perpetrators of which were two military personnel. Between 4 and 7 March 1988, troops from Pedro Battalion had a skirmish with a group of rebels at Villa Albers settlement, region of El Almendro, Nueva Guinea district, wounding and arresting Félix who had been going by the name of Adolfo. He was taken the same day to the infirmary of the 53rd Infantry Battalion, where he was treated. On 10 March at 7 p.m., he escaped from the infirmary by jumping out of a window, causing the soldiers on guard to shout a warning which he did not obey. The guards then fired at him, hitting him with an AKA rifle bullet; he died the following day. During the subsequent investigations, which included testimony by the head of Medical Services of the 53rd Infantry Battalion and two others, all agreed that Félix had taken flight and that when he did not obey the shouted warning he was shot, which caused his death. Finally, the Court which heard this case ruled that the proceedings should be dismissed, since the military personnel had acted under the protection of article 28, paragraph 9, of the Penal Code, which states: "Article 28 - The following are exempt from criminal responsibility: (9) Anyone acting in the performance of a duty or in the legitimate exercise of a right, authority, office or function";

(e) The Cruz Mairena family. On 17 January 1988, at a village called "El Chile", in the district of San Ramón, department of Matagalpa, the Cruz Mairena family was murdered by Antonio Altamirano Salmerón, Juan Treminio Mendoza, and Jacinto and Guillermo López. The motive for the murder was a dispute regarding a plot of land that had been sold to Felipe Cruz by the citizen Santos Hernández. The perpetrators of the crime entered a maize plantation armed with AKA rifles and machetes; they went on to fire at the Cruz Mairena family, killing Gloria Mairena, Felipe Cruz, Sandra Mairena, the boy Juan Cruz Mairena and another unidentified boy, and wounding the boy Jairo Cruz in the back. The murderers then vented their fury on the dead bodies. On being informed of what had happened, the Ministry of the Interior carried out an investigation and arrested Jacinto and Guillermo López, who were convicted and sentenced to 30 years' imprisonment. Juan Treminio Mendoza was killed while resisting arrest; as for Antonio Almerón, he was not apprehended and remained at large. None of the military authorities of the country were involved in the events described above, the perpetrators of the crime being civilians;

(f) María Eustacia Leon Estrada. On the basis of a complaint filed by Mario Leon Solano, proceedings were initiated to investigate the alleged murder of María Eustacia Leon Estrada. As a result of the investigations carried out and on the basis of the statements made by eyewitnesses, it was possible to clear up the case and to determine the circumstances in which it occurred, which were as follows. During the night of 4 September 1987, a platoon of 25 men of the Popular Sandinist Army was ambushed by a group of rebels in the sector known as la Campana, located close to the El Guabo Operational Support Base, in the Sento Tómas Administrative District, Chontales. When the ambush was repelled, the rebels fled. The members of the Army pursued them and, when they were passing by the house of María Eustacia Leon Estrada learned that she and her two children had been killed in the cross-fire between them and the rebels. In view of the above, the Military Court which tried the case decided that no criminal responsibility could be attributed to the members of the Popular Sandinist Army as there was no certainty as to the cause of the deaths of María Eustacia Leon and her children, which had occurred in circumstances under which it was virtually impossible to determine any individual responsibility. Consequently, the Military Court issued a general dismissal of proceedings in this case on the grounds that no criminal responsibility could be attributed.

Pakistan

300. On 30 October 1989, a letter was sent to the Government of Pakistan transmitting allegations to the effect that, under Ordinance XX of 26 April 1984, which prohibits Ahmadis to profess, propagate or practise their faith as Islam, several members of that faith had been killed or become the targets of murder by unidentified persons or incited mobs. The authorities allegedly failed to intervene in order to protect the persons from attack or to investigate the killings or attempted killings.

301. The following cases, allegedly having occurred in 1989, were described in the letter:

(a) On 9 March 1989, in Sialkot, Khawaja Sarfaraz Ahmad, a lawyer, was attacked and seriously injured by a man who had in the past made an unsuccessful attempt on the life of an Ahmadi economist;

(b) On 9 April 1989, in Faisalabad, Zaheer Ahmad was attacked and seriously injured by an opponent of Ahmadiyya;

(c) On 14 May 1989 in Sakrand, Nawabshah district, province of Sindh, Dr. Monawar Ahmad was shot dead at his clinic by two unidentified persons;

(d) On 16 July 1989, in Chak Sikander, Gujrat district, Nazir Ahmad was attacked by a mob and shot dead in a riot against the Ahmadi inhabitants of the village. Two other Ahmadis and an anti-Ahmadi rioter were also shot dead. The police had looked on during the incident;

(e) On 2 August 1989, in Qazi Ahmad, Nawabshah district, province of Sindh, Dr. Abdul Qadir was shot in his clinic by an unknown gunman. He died on his way to hospital. He was said to be the twelfth victim of attacks aimed at Ahmadis in Sindh province;

(f) On 28 September 1989, in Nawabshah, province of Sindh, Dr. Abdul Quddus, an Ahmadi, was shot dead by two unknown gunmen, as he was returning to his clinic.

302. In addition, it was alleged that four Ahmadi prisoners, who had been sentenced to death in 1986 by the Special Military Court, were excluded from amnesty and a retrial even though the Government had reportedly declared in December 1988 that death sentences passed by military courts were null and void. The four persons were said to be Mohammad Llyas Munir and Naeem ud-Din, sentenced to death in February 1986 by Special Military Court No. 62 in Multan, and Nasir Ahmad Qureshi and Rafi Ahmad Qureshi sentenced to death on 3 March 1986 by the Special Military Court in Sukkur.

303. The Special Rapporteur requested information on these allegations and in particular on any investigation by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths.

Panama

304. On 14 November 1989, a letter was sent to the Government of Panama transmitting allegations that during the past year a number of killings, for which members of the Government forces were allegedly responsible, had occurred. The cases are:

(a) Nicolas Van Kleef. This 52-year-old Netherlander, a member of the mission operated in Panama by the Paulinist religious order, was shot and wounded on 7 May 1989 by a member of a unit from the Paz battalion of the Panama Defence Forces named Olmedo Espinoza. According to information received, on Sunday, 7 May, Father Van Kleef, together with a 16-year-old youth, was driving by car in the community of Santa Marta, Bugaba, Province of Chiriquis, to announce that he was due to celebrate mass, and the incident occurred. He was taken to the David Hospital where he died from his wounds on the following day;

(b) Luis Antonio Gonzalez Santamaría. This 21-year-old first-year student in the faculty of law and political science at Panama National University was fatally injured by a shot by a member of the Panama Defence Forces from the anti-riot unit known as the "Dobermans" on 3 August 1989. The incident occurred at 3 p.m. on the University campus, more precisely on the premises of the arts faculty and school of music, in the course of action taken by the Defence Forces against an anti-Government demonstration and against the head of the OAS Mission. Shortly afterwards he died from his wounds in Bella Vista Hospital.

305. The Special Rapporteur requested information on these allegations and in particular on any investigation by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths.

Peru

306. On 3 March 1989, a cable was sent to the Government of Peru concerning the alleged threat to the life of Benedicta Maria Valenzuela Ocayo, who testified before Public Prosecutor Carlos Escobar Pineda about the summary or arbitrary execution of 28 persons at Cayara on 13 May 1988. The Special Rapporteur referred in the cable to his cable of 4 January 1989 concerning the alleged killing of the witnesses of the Cayara incidents and death threats made against Carlos Escobar Pineda and concern for the life of Benedicta María Valenzuela Ocayo (E/CN.4/1989/25. paras. 208-209).

307. It was alleged that, since the other persons who had testified before the Public Prosecutor Escobar Pineda concerning the involvement of the armed forces in the killing had been murdered or disappeared, Valenzuela Ocayo was a witness of these killings and that no special measures had been taken to protect her.

308. The Special Rapporteur requested information on the measures taken to protect the lives of persons who had received death threats.

309. On 8 March 1989, another cable was sent concerning alleged death threats against Lucas Cachay Huamán, chairman of the Front for the Defence of the Interests of the Department of San Martín. According to the information

received, sticks of dynamite had been used in attacks on his home on 24 February and 26 August 1988 and death threats had later been directed against him and his family, allegedly by members of the army and of the "Commando Rodrigo Franco" paramilitary group.

310. The Special Rapporteur appealed to the Government to investigate the above-mentioned allegations and requested information on the results of such investigation as well as on the measures taken to protect the life of the person concerned.

311. On 3 July 1989, another cable was sent to the Government of Peru concerning alleged death threats made against Julio C. Falconi Gonzalez, a lawyer who was said to have been involved in cases of summary executions and disappearances and other political offences. According to the information, Falconi Gonzalez had recently received many anonymous death threats and his offices were watched by persons who drove around in automobiles without registration plates and with polarized glass windows. Moreover, a Peruvian magazine had recently published an article in which he was stated to be a lawyer of Sendero Luminoso, owing to his professional relationship with the lawyer Manuel Febres, who had been killed in July 1988 by the so-called Rodrigo Franco Commando. All these events were said to have made him fear for his life and safety.

312. The Special Rapporteur appealed to the Government to investigate the case and to take measures to protect his life and requested information on the outcome of the investigation as well as on the measures taken by the Government.

313. On 24 July 1989, a letter was sent to the Government of Peru transmitting allegations to the effect that, during the first half of 1989, many violations of the right to life had occurred in Peru, particularly in the areas under a state of emergency. Up to 29 April 1989, the state of emergency had affected 55 provinces and 8 departments and more than 45 per cent of the total population. In the so-called "emergency areas", the military political commands, established under Act No. 24.150, had extensive powers of control over the inhabitants. In 1988, the number of deaths due to acts of political violence had risen to 1,460, a figure higher than that registered in previous years. Most of the victims were said to have been civilians (787 according to one source). Many of the violations of the right to life were attributable to rebel groups such as the Sendero Luminoso (Shining Path) and the Movimiento Tupac Amaru (Tupac Amaru Revolutionary Movement).

314. However, many reports attributed deaths to the armed forces, security services and a paramilitary group named the "Comando Rodrigo Franco". This group was said to have carried out various killings, including that of a Peruvian parliamentarian, and to have committed other terrorist acts against members of different opposition parties. The "Comando Rodrigo Franco" was said to be responsible for terrorist acts against members of the Catholic Church in Puno, the abduction and murder of the lawyer Manuel Febres in July 1988 and the death of journalists, trade unionists, human rights activists and others, as well as for death threats which had forced the victims to leave their place of residence in Peru in order to safeguard their own lives and the lives of their relatives. The reports and testimonies received stated that the types of activity carried out by this group would indicate that it was a paramilitary command made up of members of the national

police and/or persons linked to the ruling party. It was alleged that the State organs responsible for maintaining public order had failed to take action in relation to the investigation of the terrorist acts committed by this group since, despite the fact that a parliamentary commission had been set up to investigate its activities, the judicial authorities did not arrest or charge anyone for these acts, which had occurred in areas where the armed forces exercised strict control. The following case was described in connection with this command:

315. On 13 February 1989, the bodies were found of Saúl Cantoral, Secretary-General of the Federación Nacional de Trabajadores Mineros y Metalurgicos del Perú (National Federation of Mine and Metallurgical Workers of Peru) and of Consuelo García, a member of "Las Filomenas", an organization engaged in training miners' wives. The latter had a fractured skull, which appeared to have been crushed by a heavy vehicle. Pinned to the bodies were notes containing slogans and threats from which it could be inferred that Sendero Luminoso had been responsible for the killings. However, the leaders of the National Federation of Mine and Metallurgical Workers of Peru stated that they did not believe that Sendero Luminoso was responsible, since all the mine workers' leaders had received death threats from the "Comando Rodrigo Franco" which might have come from government forces. According to the information received, Saúl Cantonal had led two strikes of miners and had been accused by the mine-owners of having links with Sendero Luminoso.

316. The following cases of killing were described as committed by government forces:

(a) On 31 May 1988, Javier Eduardo Arrasco Catpo, a student in the Faculty of Biology at the University of San Marcos, died after being shot at by members of the police force;

(b) On 18 July 1988, Carlos A. Barnett Azpur, aged 28, a fifth-year law student at the University of San Marcos and a former leader of the Federation of Students of the National University of Engineering Studies, was hit by a bullet shot by Civil Guard personnel during a demonstration;

(c) Hernán Pozo Barrienos, aged 21, a student in the Faculty of Anthropology of the University of San Marcos, was shot dead by police personnel during a demonstration held on 12 October 1988;

(d) On 25 November 1988, Héctor Raúl Laureano Reymundo, aged 18, a first-year student in the Faculty of Pedagogy, was shot dead by Civil Guard personnel who knocked him down and fired five bullets at point-blank range at his head and thorax, in the National University of Central Peru (UNCP);

(e) In the course of 1988 a number of the witnesses of the massacre in Cayara (E/CN.4/1989/25, para. 210) were reported to have been killed. On 15 December 1988, the public transport vehicle carrying the mayor of the district of Cayara, Justiniano Tinco García, and the secretary of the district town hall, Fernandina Palomino Quispe, both witnesses of the occurrence in Cayara, and who had made accusations against military personnel alleged to be responsible for various offences, was intercepted by a group of hooded men who used threats to force all the passengers to leave the vehicle and to move away, with the exception of the two persons previously mentioned and the driver of the vehicle. According to witnesses, Tinco García and Fernandina Palomino were tortured and afterwards killed by a burst from a machine gun. The driver of the vehicle, Antonio Félix García Tipe, was tied to the vehicle, which was blown up by a grenade.

(f) On 24 November 1988, Eduardo Rojas Arce, a journalist for the magazine *Caretas*, and Hugo Bustiós Saavedra, the reporter for the daily newspaper *Actualidad*, who had been sent by their papers to Erapata, in the province of Huanta, Ayacucho, were shot at by a group of masked men. The group killed Bustiós Saavedra and wounded Rojas Arce, who was taken to hospital. It was alleged that a patrol of Civil Guard and army personnel were in the neighbourhood at the time of the incident and went to the scene, but took no steps to obtain evidence of the killing, and that witnesses stated that the persons responsible for the killing were military personnel, including an army captain who went up to Bustiós Saavedra and finished him off with a bullet;

(g) On 7 December 1988, army personnel were alleged to have killed Máximo Villacrisis Henríquez and Wilberto Contreras García in Ñahuinpuquio, Quina;

(h) On 16 January 1989, María Guinarita Pisco Pizango, aged 26, wife of Juan Pablo Saboya Puerta who had been arrested and disappeared on 8 January 1989, was arrested by five soldiers who burst into the house. Shortly afterwards she was found dead, her head and feet tied to a tree, and showing visible signs of torture, rape and a bullet mark;

(i) On 13 April 1988, Eleodoro Bandezú Anccasi, aged 43, a trader, was arrested by uniformed army personnel at the Pampachocca farm, Llauricocha, department of Huancavelica. His body was found in Llauricocha on 22 December 1988, showing marks of severe torture;

(j) On 1 February 1989, Elena Ñahuinila, a two-month-old baby, was killed when soldiers snatched her from her mother's arms and threw her on the ground in Quilcaccasa, district of Cotaruse, Province of Aymaraes, Apurimac;

(k) On 9 February 1989, during a peaceful demonstration organized by the Federación de Campesinos de Ucayali (Ucayali Federation of Peasants), in the square at Pucallpa, Ucayali, eight peasants were killed by shots fired by police personnel. It was alleged that the Special Operations Division of the National Police was responsible for the killings. Unconfirmed reports indicated that some 20 bodies were taken from the square in a truck;

(l) On 17 May 1989, soldiers from the Third Ollantaytambo Infantry Battalion invaded the hamlet of Calabaza, district of Mariposa, Province of Satipo, Department of Junín, and arrested some 20 persons. On 18 May 1989, the bodies of 11 persons arrested in Calabaza were found on the Calabaza river banks. It was also reported that three of the arrested persons managed to escape, two were released after being tortured and four were missing.

317. On 15 June 1989, Mr. Fernando Majía Egocheaga, a lawyer and President of the Provincial Committee of the Izquierda Unida (the United Left) in Oxapampa, and Aladino Melgarejo Ponce, schoolmaster and leader of the Sindicato Unico de Trabajadores de la Educación Primaria (SUTEP) (Single Union of Peruvian Education Workers), were arrested by army personnel at their homes. Their bodies were found on 18 June 1989 in Oxapampa, Department of Cerro de Pasco, each bearing bullet wounds as well as signs of torture.

318. The Special Rapporteur requested information on these allegations and in particular on any investigation by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths.

319. On 26 September 1989, the Special Rapporteur sent another cable to the Government of Peru referring to his cables of 13 July 1988, 9 January and 3 March 1989 and his letter of 28 July 1988 concerning killings in May 1988, in Cayara, Ayacucho department, and also the subsequent detention and killing of several witnesses to the above-mentioned incident, and death threats made against Carlos Escobar Pineda, Special Commissioner who had investigated the incident. The Special Rapporteur also referred to the further information that Marta Crisostomo García, a nurse aged 22, and one of the witnesses to the killings in May 1988 in Cayara, Ayacucho department, had been killed on 8 September 1989 at her home in the neighbourhood of San Juan Bautista de Huamanga, Ayacucho, by eight men wearing hoods and army uniforms. She was said to be the ninth witness to the Cayara killing to be the victim of "disappearance" or killing.

320. In view of the reported killing of a number of the witnesses to the Cayara incident, including that of Marta Crisostomo García, the Special Rapporteur expressed his serious concern for the safety of Escobar Pineda and other remaining witnesses. He appealed to the Government to carry out a thorough investigation into the killing of Marta Crisostomo García with a view to bringing those responsible to justice and to take all necessary measures to protect the life of the persons concerned, and requested information on the outcome or development of the investigations carried out by the Government into the incident in Cayara and the killings of witnesses and also on the steps taken by the Government to protect the persons concerned.

321. On 29 September 1989, another cable was sent to the Government of Peru concerning threats made against José Antonio Burneo Labrin, Executive Director of the Centro de Estudios y Accíon para la Paz (CEAPAS) (Centre for Peace Studies and Activities), allegedly because of his work and that of his organization in giving humanitarian aid to victims of human rights violations.

322. On 16 September 1989, shortly before 1 a.m., an armed man in Civil Guard uniform knocked insistently on the door of Burneo Labrin's house in Lima and refused to identify himself. Concern for the life of Burneo Labrin was expressed in the light of an incident of the killing of Coqui Huanali, a lawyer, at his home in Pasco in similar circumstances.

323. The Special Rapporteur appealed to the Government to take the necessary measures to protect him and requested information on the measures taken in this regard.

324. On 30 October 1989, another letter was sent to the Government of Peru transmitting allegations that the right to life of the following individuals had been violated by Government forces or paramilitary groups linked to them:

(a) Estanislao Polanco Rojas, Francisco Ramos Bautista, Virgilio Barriento Ramos, Virginio Barrientos Polanco, Esteban Barrientos Vega, Andrés Huamani Polanco, María Bautista Quispe, Franco Ramírez, Clemente Chaupion Barrientos and Ignacio Tito. On 27 June 1989 a group of soldiers under the orders of four officers occupied the village of Pampamarca, district of

Aucará, province of Lucanas, departament of Ayacucho. It is claimed that the inhabitants were taken to the village square and compelled to remain there for two days. The soldiers pillaged and murdered the above-mentioned persons refusing to collaborate;

(b) Domingo Quispe, aged 95, Natividad Quispe, aged 90, Crisóstomo Condori Quispe, aged 58 and Alejandro Quispe Condori, aged 60, were reportedly murdered in circumstances similar to those described in the previous paragraph in the village of Santa Ana, province of Lucanas.

(c) Luis Alberto Alvarez Aguilar and José Abel Páez Malpartida. These two university students were murdered, allegedly by members of a paramilitary group, on 27 July 1989 close to the resort of San Bartolo, south of Lima. It is also reported that the area where they were found is a "military area" and as such is frequently inspected by the army;

(d) Coqui Samuel Huamali Sánchez, aged 32, a lawyer, Director of National and International Affairs for the Human Rights Committee is Pasco. It is reported that on 23 August 1989, during the curfew, Mr. Huamali was taken from his home in Jirón José Olaya 405, San Juan Pampa, Cerro de Pasco, by uniformed men wearing Balaclava helmets and armed with rifles. His corpse was found on the following day bearing signs of torture;

(e) Pedro Valenzuela Tamayo and Manuel Mejía Cortrina. It is reported that these two peasants, the chairman and the treasurer of the peasant community of Huaripampa district of San Marcos, province of Huari, department of Ancash, disappeared on 31 July 1989 in the district of Catac, province of Recauy. Their mutilated bodies were found on 6 September in the vicinity of Querococha lake; each of them had a bullet hole at the back of his skull. On the basis of statements by the inhabitants of San Marcos and by the villagers of the Hauripampa community, there are sound reasons for holding Glicerio Mauricio Rodríguez, the mayor of San Marcos district, and the police forces responsible, for both of these peasants had been constantly harassed by them on account of alleged terrorist activities;

(f) Walter Wilfredo Valer Munalla. It is reported that this 20-year-old student was detained on 20 September 1989 by army personnel after going to Los Cabitos barracks in compliance with his compulsory military service commitments. His body was found, bearing signs of torture, on 7 October 1989 at the door of his place of work.

325. The Special Rapporteur requested information on these cases and in particular on any investigations made and any measures taken by the authorities and/or the judiciary to establish the facts and to bring those responsible to justice.

326. On 20 April 1989, a reply was received from the Government of Peru to the Special Rapporteur's cable of 8 March 1989 concerning the case of Lucas Cachay Huamán, forwarding a reply from the Ministry of Defence which stated that the Special Rapporteur's request had been transmitted to the Joint Command of the Armed Forces so that the latter might adopt the most appropriate measures in the situation.

327. On 21 April 1989, a letter was received from the Government of Peru stating that on 15 April 1989 the terrorist group "Sendero Luminoso" had murdered Joseph Piescher, an Austrian journalist and official of the Auxilio Fluvial Amazónico, a non-governmental organization carrying out a health programme in the department of Ucayali, and that the murder demonstrated that "Sendero Luminoso" had no respect for life and was the group responsible for human rights violations in Peru.

328. On 2 May 1989, a reply was received from the Government of Peru to the Special Rapporteur's cable of 3 March 1989 concerning the case of María Valenzuela Ocayo, forwarding a reply from the Ministry of Defence which stated that the Special Rapporteur's request had been transmitted to the Joint Command of the Armed Forces so that the latter might adopt the most appropriate measures in the situation.

329. On 28 June 1989, a further reply was received concerning this case, forwarding a reply from the Ministry of Defence which stated that "the forces of law and order in zones declared to be in a state of emergency would provide protection for the persons alleged to be under threat of death in the same way as provided for the population as a whole".

330. On 3 May 1989, a reply was received from the Government of Peru to the Special Rapporteur's cable of 14 October 1988 concerning the alleged death threats against Angela Mendoza de Ascarza and Mario Cavalcanti Gamboa. According to the reply, the Special Rapporteur's request had been forwarded to the departments of Justice, the Interior and Defence, and the Ministry of Defence had reported that "the forces of law and order in zones declared to be in a state of emergency provide protection for the population as a whole". It had also pointed out that, bearing in mind the small number of troops in subzone 5, "it is not possible to deal individually with requests from persons alleged to be under threat of death".

331. On 19 May 1989, a letter was received from the Government of Peru, stating that, on 27 April 1989, Edilberto Arroyo, a deputy from the Izquierda Unida, had been murdered and that, on 6 May, Pablo Norberto Li, a deputy from the Peruvian Aprista Party, had also been killed by terrorist groups who were the main perpetrators of the violence in Peru. It was also stated that these acts provided clear evidence of the terrorists' intention to obstruct the forthcoming municipal and presidential elections to be held in Peru and thus to endanger democracy and the rule of law. The Government was convinced that awareness of criminal acts such as those referred to above would be a decisive factor in a proper understanding of the problems faced by Peru today inasmuch as it saw its aspirations for peace, development and social justice undermined every day by the acts of terrorist groups which regarded human rights and freedoms as concepts devoid of all meaning.

332. On 6 June 1989, a letter was received from the Government of Peru stating that a terrorist group had murdered the journalist Barbara d'Achille of the El Comercio newspaper. Mrs. d'Achille, ecologist and conservationist, had been killed while she was in the department of Huancavelica, together with the Peruvian engineer Esteban Bottorquez, an official of the Department Development Corporation, on a journalistic mission to obtain further information on South American drug traffickers.

333. On 28 June 1989, a reply was received from the Government of Peru to the Special Rapporteur's letter of 9 November 1988, transmitting a reply from the Ministry of Defence. The reply stated that the investigations carried out concerning summary executions which had allegedly occurred in the National Security Zone of the Centre (ZSNC) had established that the military personnel of the Zone were not involved in any of the cases mentioned in the letter and that no record of those incidents existed.

Philippines

334. On 6 July 1989, a cable was sent to the Government of the Philippines concerning the allegation that the life of the 25 persons whose names reportedly appeared on two so-called "hit lists" were in jeopardy. According to the information, the "hit lists" had been distributed recently in parts of Negros Occidental province by members of the Citizens Armed Force Geographical Units (CAFGU), under the direct command and supervision of the Armed Forces of the Philippines. Paramilitary vigilante groups were also implicated. It was alleged that no measures had been taken by the military authorities to prevent the circulation of such "hit lists". The 25 persons were the emeritus bishop of the diocese of Bacolod, five Columban Fathers, three Presentation Sisters, two parish priests of the diocese of Kabankalan, three lay church workers, three radio broadcasters, three labour leaders, three lawyers and two priests of the diocese of Bacolod.

335. In view of several reports in the past that a number of persons named in the so-called "hit lists" had been killed in a summary manner, the Special Rapporteur expressed his serious concern for the life of the above-mentioned 25 persons. He appealed to the Government to take all necessary measures to protect their lives and requested information on these cases, and in particular on investigations carried out by the authorities and measures taken to protect the life of the 25 persons and to prevent the circulation of such "hit lists".

336. On 24 July 1989, a letter was sent to the Government of the Philippines transmitting allegations that during the past several months unarmed civilians had continued to be killed in a summary manner by members of the armed forces, by members of the newly formed Citizen's Armed Forces Geographical Units (CAFGU), and by unidentified armed men. Most of the victims were suspected sympathizers with the New Peoples' Army (NPA), or belonged to trade unions, church organizations or community groups. Some victims had been killed during military operations against guerrilla forces in the areas in which they lived.

337. The Special Rapporteur listed 20 such cases as follows:

(a) On 1 May 1989, Reverend Visminda Gran, a minister, aged 50, and her husband, Luvino Givan, aged 43, were killed by five men, members of CAFGU or the military, in Barangay Liberte in Baliango town, Misamis Oriental;

(b) On 28 April 1989, nine fish farm workers were killed by members of the 2nd Marine Battalion, 1st Brigade at Sitio Manicnic, Barangay San José, Paombong, Bulacan;

(c) On 6 April 1989, Rufino Rivera, aged 69, a local councillor, and Fr. Dionisio Malalay, aged 32, a curate, were killed at Pagadian, Sabina, Zamboanga del Sur, by members of the police force during a Christian Community meeting near Rivera's house;

(d) On 21 March 1989, Oscar Tonog, aged 37, vice president of the Integrated Bar of the Philippines, and an active member of the Free Legal Assistance Group (FLAG), was shot dead by two gunmen, connected with the armed forces. Shortly before Oscar Tonog's death, a radio station run by the military had issued a warning to human rights lawyers;

(e) On 2 March 1989, Romula de la Cruz was killed at Barangay Guindapunan, Daram, Samar, by a member of the CAFGU;

(f) On 18 February 1989, Pedro Pagao, aged 56, his wife, Encarnacion Pagao, and their two children were killed at Cabalyog, Samar, by members of the 8th Infantry Battalion of the Philippines Army (PA);

(g) On 17 February 1989, Oscar Fernandez, president of the NADSU-KMU (Alliance of United Drivers) and one of the leaders of the AGMA-Sugbu-KMU (Workers Alliance) was assassinated by two persons belonging to the army;

(h) On 15 February 1989, Eduardo Lazona, a secretary for the National Federation of Sugar Workers and General Trades (NFSW-FGT) was shot dead by members of the Regional Special Action Force (RSAF), an unit of the Philippines Constabulary (PC), at Talisay, Negros Occidental;

(i) On 10 February 1989, Joseph Dumasala, aged 20, was shot dead in a summary manner after having been apprehended by members of the 16th Infantry Battalion (PA) during a raid on a NPA house;

(j) On 3 February 1989, Sabeniano "Bebie" Borres, aged 36, a church lay worker and resident farmer of Guinoyoron, Valencia, Bukidnon, was killed by members of CAFGU in Poblacion, Valencia, Bukidnon;

(k) On 3 February 1989, four rural workers were killed in Mahayag, Banay-Banay, Davao Oriental by members of the RSAF and the 438th Philippines Constabulary Company immediately after a military operation against the NPA;

(l) On 17 January 1989, Rodrigo Francisco, aged 39, local union president of NFSW-FGT and Nestor Barros, aged 35, union organizer of NFSW-FGT, were killed by members of the RSAF and CAFGU, in Santa Rosa, Murcia, Negros Occidental:

(m) On 20 January 1989, Meliton Roxas, president of the Union of Filipino Employees in the Nestlé Division in Cabayao, Laguna, was shot dead by a gunman, a vigilante member;

(n) On 30 December 1988, George Bahain, aged 45, was killed by members of CAFGU, Barangay Guinoyoran, Valencia, Bukidnon. The same men were responsible for the murder of Sabeniano Borres on 3 February 1989;

(o) On 26 December 1988, Cresenciano Esconilla and his family were assassinated in Escalante by members of the military;

(p) On 11 December 1988, Leo Trinidad, aged 18, was killed by the paramilitary group "Tadtad" in Barangay Mabini, South Cotabato;

(q) On 3 December 1988, Wilson S. Dayahon, aged 22, was shot dead by police officers at Lagonlong municipality, Misamis Oriental;

(r) On 20 November 1988, Serapio Cogollodo, aged 68, was killed together with five members of his family when a shell fired by members of the 23rd Infantry Battalion (PA) hit the hut in which they were sleeping at Barangay Muritula, San Luis, Agusan del Sur;

(s) On 30 September 1988, Raul Casado, aged 24, a former rebel, was killed in Bunawan, Davao City by members of the paramilitary group "Alsa Masa";

(t) On 10 September 1988, Pedro Galo, a farmer, was killed by members of the Civilian Home Defence Forces at Matuguinao, Samar.

338. The Special Rapporteur requested information on these allegations and in particular on any investigation by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths.

339. On 28 July 1989, another cable was sent to the Government of the Philippines concerning allegations that several people connected with the disappearance case of Ma. Nonna Santa Clara and A. Llenaresas, on 26 April 1989 in Naga city, had received death threats. Among those threatened were Santa Clara (brother of Ma. Nonna Santa Clara) and three lawyers belonging to the Free Legal Assistance Group (FLAG). The Special Rapporteur also referred to information received that about 720 persons in the seminary of the diocese of Bacolod, Bacolod city, Negros Occidental, had received death threats issued by paramilitary groups called the "Pulahans", who were allegedly supported and armed by the military.

340. The Special Rapporteur, expressing his concern for the lives of the above-mentioned persons, appealed to the Government to take the necessary measures to protect their right to life and requested information on the cases referred to, and also on the measures taken by the Government to protect the lives of these persons concerned.

341. On 30 October 1989, another letter was sent to the Government of the Philippines transmitting 13 alleged cases of killings, as follows:

(a) On 16 February 1989, Reynaldo Duenas, aged 45, and Rogelio Simaning, aged 27, were killed in Maytubig, Isabela, by a mortar shell fired by the 6th Infantry Battalion of the Armed Forces of the Philippines and members of the Citizen's Armed Forces Geographical Units;

(b) On 29 March 1989, Teodoro Egoc Sr., aged 47, Jimmy Estoque, aged 39, Nicasio Opiar and Nicasio's children, Hernani, aged 4, and Rengie, aged 2, were killed after being abducted from their homes in Sitio Kabatangabatangan, Barangay Buenavista, Sta. Catalina, Negros Occidental, by five members of a Citizen's Armed Forces Geographical Unit (CAFGU) and two uniformed soldiers;

(c) On 4 April 1989, Jesus Lahaylahay, aged 54, a farmer of Sitio Cambogiot, Barangay Camindongan, Sipalay, was shot dead by members of the Scout Rangers conducting a military operation in the area;

(d) Between 24 April and 1 June 1989, 17 peasants in the Hinobaan and Sipalay region of Negros Occidental were killed in a summary manner. All were allegedly killed by members of vigilante groups named "Greehans", "Pulahans" and "Putians", by members of CAFGU, and by regular troops of the AFP in connection with military operations and forced evacuations in these areas;

(e) On 6 May 1989, Numeriano Ronato, Municipal Treasurer of Palapag, Northern Samar, was shot dead by four members of a CAFGU. Ronato had allegedly received death threats from the CAFGU of Palapag;

(f) On 12 June 1989, Dorcas Gonzales, aged 50, a widow farmer, was killed by two armed men at her home in Barangay Hinondayon, Nasipit, Agusan del Norte, together with six of her children and her 19-day-old granddaughter. One of the men, a member of a local vigilante group called "4K'S", was operating under the 30th Infantry Battalion (AFP) based in Marcos Park, Carmen, Agusan del Norte;

(g) On 12 July 1989, Arnold Ilustrisimo, aged 32, trade unionist and waiter, was killed by army members at Novotas, Metro Monila. Ilustrisimo had received threats urging him to stop his trade union activities;

(h) On 13 July 1989, Guarino Celso and an unidentified woman were apprehended at Sitio Batac, Barangay Barog 1, Mondragon, Northern Samar, by a group of Army soldiers and CAFGU members and were killed the following day after having been subjected to ill-treatment;

(i) On 14 July 1989, Romulo Continente Jr., aged 17, was killed by three armed men, members of a vigilante group in Dilimon, Quezon City;

(j) On 15 July 1989, Winifred Oton, president of the United Church of Christ in the Philippines Christian Youth Fellowship for Southern Mindanao, was stabbed to death in Santa Cruz, Davao del Sur, by unidentified men after his name had been put on a list allegedly drawn up at the 41st Infantry Battalion (AFP) in Digos, Davao del Sur;

(k) On 19 August 1989, Rommel Moscosa, aged 4, was shot dead in Barangay San Andres, Borongan, Eastern Samar, during a raid by members of the 70th Infantry Battalion (AFP) led by two CAFGU members, from Camp Asidillo, Borongan, Eastern Samar;

(l) On 5 September 1989, Crisostomo Ibarra, alias Ka Siete, supposedly a high-ranking NPA Commander in Bataan, was killed near his home after being arrested by a group of soldiers led by Captain Salim and Lieutenant Ver of the 161st Philippines Constabulary (PC) Company based in Balanga, Bataan;

(m) On 8 September 1989, Raul Magarion and Piting Indatuan were killed in Barangay Matutungan, Santa Cruz, Davao del Sur, Mindanao, by three CAFGU members operating under the 46th Infantry Battalion, based at Barangay Binaton, Digos, Davao del Sur.

342. The Special Rapporteur requested information on these cases and in particular on any investigations made and any measures taken by the authorities and/or the judiciary to establish the facts and to bring those responsible to justice.

343. At the time of preparation of the present report, no reply had been received from the Government of the Philippines.

Romania

344. On 14 November 1989, a letter was sent to the Government of Romania informing it of the allegation that Miss Ana Ciherean, aged 27, had been found dead in a park on 2 October 1989, one day after having been arrested by the police in Timisoara. She was reportedly arrested for going to a hotel frequented by foreigners, an act considered unlawful. Miss Ciherean had allegedly been raped and her arms and legs had been broken. She had already been imprisoned in 1987 and 1988 for attempting to leave the country unlawfully.

345. The Special Rapporteur requested information on this allegation and on any investigations by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths.

346. On 22 December 1989, a cable was sent to the Government of Romania concerning information that the police had opened fire with automatic weapons on thousands of unarmed demonstrators in Bucharest on 21 December 1989. Some 20 persons were said to have been killed and dozens of others wounded. Several persons were crushed by tanks. According to the same information, some individuals were hit by gunfire from automatic weapons while trying to assist persons crushed by a tank. Furthermore, it has also been reported that soldiers and policemen who had refused to fire on demonstrators at Timisoara during the previous weekend were executed on 20 December in Karadji Lotsuli Square.

347. The Special Rapporteur, expressing his serious concern, made a strong appeal to the Government for an immediate end to acts jeopardizing the life and safety of persons, and urgently requested information on these events, in particular on any investigation carried out and measures taken to prevent a recurrence.

348. On 29 December 1989, another cable was sent to the Government of Romania about the special military courts allegedly being set up throughout the country and empowered to judge summarily and execute individuals linked to the Government of former President Ceausescu who had continued to fight the new authorities in Romania after the deadline of 5 p.m. on 28 December 1989. In the light of these reports, and of the report on the execution of former President Ceausescu and his wife Elena, after what appeared to be a summary trial, the Special Rapporteur appealed to the Government to ensure full respect of the right to life and the right of everyone to a fair and public hearing by a competent, independent and impartial tribunal, pursuant to the provisions of the International Covenant on Civil and Political Rights, and urgently requested information on the measures taken to guarantee the right of everyone to life.

349. At the time of preparation of the present report, no reply had been received from the Government of Romania.

Saudi Arabia

350. On 30 October 1989, a letter was sent to the Government of Saudi Arabia transmitting the allegation that Zahra' Habib Mansur al-Nasser, a 40-year-old housewife from the village of Awjam in the Eastern Province, had died on 18 July 1989 as a result of torture in police custody at the Hudaitha check-point detention centre. She had been arrested together with her husband on 15 July 1989 at the Saudi Jordanian border upon their return from Damascus, where they were said to have performed religious rites.

351. In addition, on 21 September 1989, the execution by beheading of 16 persons, all Kuwaiti nationals, was announced. It was alleged that, since their arrest on 15 July 1989 in connection with explosions in Mecca during the Hajj season in 1989, no trials had been held, that the families and legal counsel of the executed had not been allowed to see them and that accusations and convictions had not been made on the basis of clear and precise legal provisions.

352. The Special Rapporteur requested information on these allegations and in particular on any investigation by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths, and also on the legal proceedings, under which the alleged executions had been carried out.

353. At the time of preparation of the present report, no reply had been received from the Government of Saudi Arabia.

Somalia

354. On 11 April 1989, a cable was sent to the Government of Somalia concerning an alleged case of death sentence pronounced by the National Security Court on 18 March 1989. According to the information received, Hassan Abdikarim Haji Ibrahim was sentenced to death after being detained incommunicado since his arrest in early 1988. It was also alleged that the National Security Court had been presided over by a Government minister, that access to legal representation had been seriously limited and that appeal to a higher tribunal was not possible under the procedure of the National Security Court.

355. The Special Rapporteur, referring to article 14 of the International Covenant on Civil and Political Rights, which provided for a fair and public trial and other safeguards, and in particular for the right to appeal to a higher tribunal, appealed to the Government to examine the above-mentioned case and requested information or observations thereon, in particular on the proceedings of the National Security Court as a result of which the person had allegedly been sentenced to death.

356. On 30 October 1989, a letter was sent to the Government of Somalia transmitting allegations that several hundred persons had been shot dead in the street by soldiers, in a widespread riot following demonstrations protesting against the arrest of several religious leaders on 13 July 1989. On 15 July 1989, among those arrested after the demonstrations, a considerable number of persons were allegedly executed by soldiers without trial on a beach in Jezira, 30 km south-west of Mogadishu. The following persons were reported to have been among those executed: Abdirizaq Aideed Mohamed, Ministry of

Information employee; Mohamed Baile, accountant, National Water Agency; Ali Abdirahman Hersi, soil analyst, Ministry of Agriculture; Mohamed Ali Magan, UNICEF employee; Abdirashid Ahmed Mohamed, businessman.

357. The Special Rapporteur requested information on these allegations and in particular on any investigation by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths.

358. At the time of preparation of the present report, no reply had been received from the Government of Somalia.

South Africa

359. On 16 May 1989, a cable was sent to the Government of South Africa concerning killings of anti-*apartheid* activists, including the assassination of Professor David Webster on 1 May 1989 in the suburbs of Johannesburg by an unidentified group of men.

360. According to the information, the circumstances of the killing of Professor Webster indicated that he had been assassinated by well-informed professional killers because of his anti-*apartheid* activities. According to the South African Human Rights Commission, 61 anti-*apartheid* activists had been killed in South Africa since 1978, but with only one exception, no suspects had been charged or convicted for these murders. During the same period, at least 61 anti-*apartheid* activists and members of their families had reportedly been killed outside South Africa. It was further alleged that the so-called "death squads" or "hit squads" who attacked anti-*apartheid* activists included members of the security forces and operated completely outside the law both inside the country and abroad.

361. The Special Rapporteur, expressing his concern with regard to all those killings, including that of Professor David Webster, which had not been elucidated, urged the Government to carry out thorough investigations into all such cases and to take steps to bring those responsible to justice. The Special Rapporteur also appealed to the Government to take all necessary measures to prevent the further occurrence of such assassinations and requested information or observations from the Government concerning the above-mentioned cases and the measures taken to prevent further killings of anti-*apartheid* activists.

362. On 23 May 1989, another cable was sent concerning three persons allegedly facing imminent execution. According to information received, Senale Masuku, aged 22, and Oupa Josias Mbonane, aged 21 were scheduled to be executed on 24 May 1989, and Abraham Mngomezulu, aged 23, on 25 May 1989. Masuku and Mbonane had been sentenced to death in August 1987 in the Pretoria Supreme Court after being convicted of the murder, in "common purpose" with others, of a policeman in Soshanguve in February 1986. It was alleged that the evidence leading to their conviction had been given *in camera* by witnesses whose identification was withheld. Mngomezulu had reportedly been sentenced to death in November 1987 by the Rand Supreme Court, after being convicted of killing a suspected police informer in Soweto in April 1986. The court was also reported to have found that he had played a leading role in the commission of the offence, although he had not himself physically taken part in the killing.

363. The Special Rapporteur, referring to safeguard 5 of the annex to Economic and Social Council resolution 1984/50 of 25 May 1984, entitled "Safeguards guaranteeing protection of the rights of those facing the death penalty", appealed to the Government to make every effort to protect the right to life of the three above-mentioned persons and requested information on these cases and, in particular, information on the legal proceedings under which the three had been sentenced to death.

364. On 27 September 1989, another cable was sent to the Government of South Africa concerning a report of the imminent execution of Mangena Jeffrey Boesman. According to the report, Boesman had been sentenced to death by the Grahamstown Supreme Court on 21 October 1988 on a charge of murder in Sterkstroom's black township in the context of township disturbance. It was alleged that legal representation had been made available to the accused only after four State witnesses had already given evidence, and that Boesman had not been granted leave to appeal against the sentence to a higher tribunal.

365. On 28 September 1989, another cable was sent to the Government of South Africa concerning information that, in addition to Mangena Jeffrey Boesman, three persons, named Naftan Mchunu, Alfred Ndlela and Jacobus Freeman, were also scheduled to be executed on 29 September 1989. In the cases of Alfred Ndlela and Naftan Mchunu, who had been sentenced to death by the Pietermaritzburg Supreme Court on 17 June 1988, leave to appeal had not been granted, and a petition to the Chief Justice for leave to appeal had also been dismissed on 22 August 1989.

366. On 10 October 1989, another cable was sent to the Government of South Africa concerning four persons, named Johannes Grootboom, Raymond Jordan, Simon Saayman and David Van Wyk, who were scheduled to be executed on 12 October 1989. According to the information, the four had been sentenced to death on 31 August 1987 by the Cape Town Supreme Court on charges of murder of a prison inmate. It was also reported that they had not been granted leave to appeal against the sentences to a higher tribunal.

367. In these three cables, the Special Rapporteur referred to safeguard 5 of the annex to Economic and Social Council resolution 1984/50 of 25 May 1984 entitled "Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty" and also to article 14, paragraph 5, of the International Covenant on Civil and Political Rights, which provided: "Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law."

368. He appealed to the Government to make every effort to protect the right to life of the persons mentioned in the cables and requested information on those cases and, in particular, on the legal proceedings under which those persons had been sentenced to death.

369. Subsequently, the Special Rapporteur learned that Mangena Jeffrey Boesman and Jacobus Freeman had been executed as scheduled and that Naftan Mchunu and Alfred Ndlela had been granted a stay of execution.

370. On 14 November 1989, a letter was sent to the Government of South Africa transmitting allegations that in 1989 assassinations of political or anti-apartheid activists had continued as in previous years. Some of the victims had allegedly been killed by members of the police, who often acted

under immunity from prosecution and with no effective legal limitations on the use of deadly weapons in "unrest situations" or in circumstances of "terrorist activities". It was also alleged that the authorities were reluctant to hold open inquests into such deaths and that, when inquests found police responsible for the deaths, the courts showed reluctance to prosecute, especially in cases where the victims were said to have been engaged in acts of political protest. In some other cases in which perpetrators were reportedly "unknown", it was alleged that little progress in official investigations had been made and that most of the perpetrators remained unpunished. Even when those responsible for such killings were prosecuted and tried, the sentences given were disproportionately light.

371. The following alleged incidents were described by way of example:

(a) On 27 January 1989, in Soweto, Dr. Abubaker Asvat, aged 46, a leading member of the Black Consciousness movement and Health Secretary in the Azanian People's Organization, was killed in his surgery by unknown assailants. Reportedly, at least two attempts on his life had previously occurred;

(b) On 28 January 1989, in Davidsonville, near Roodepoorst, West Rand, three persons were shot dead by members of the police during unrest;

(c) On 14 April 1989, in Inanda, Chris Thandazani Ntuli, aged 30, an organizer for the Natal Youth Congress, was killed on his way home from the police station by unknown assailants;

(d) In the case of the death of Stephen Manonye in 1988, two white farmers at Orkney in Western Transvaal were found guilty of assault in April 1989 in a trial before the magistrate at Klerksdorp and sentenced to a fine of R1,200 each or four months in jail, and to six months imprisonment suspended for five years. It was reported that Mononye had died of brain haemorrhage as a result of an assault, the farmers accusing him of stealing cattle;

(e) On 15 August 1989, in the Kwamashu black township on the outskirts of Durban, Eric Gumeda, aged 27, a black anti-*apartheid* activist, was shot at his home by unknown attackers and died on 16 August 1989 in hospital.

372. As in the previous year, several deaths in detention were reported. No outcome of any official investigation was known to have been made available. The following two cases which took place in 1989 were described by the Special Rapporteur:

(a) The case of Patrick Decks Dakuse, who was arrested on 17 January 1989, in Khayelitsha, and shot dead on 23 January by police;

(b) The case of Dinana Mbetheni, who was found hanging from an electric wire in his cell at the police station on 21 April 1989, in Alice, Ciskei.

373. Furthermore, it was alleged that death sentences were imposed disproportionately on the black population by an almost entirely white judiciary, with 97 per cent of the 1,070 people hanged in South Africa between 1980 and 1985 being black. It was also alleged that almost all convictions in political trials relied on statements obtained from both

defendants and witnesses under some kind of coercion. Defendants were said to be often held incommunicado for a prolonged period before the trial and tortured. Legal defence for the defendants was alleged to be often a court-appointed pro deo counsel with no attorney available to prepare in advance for trial. There was no automatic right of appeal against the sentence to a higher tribunal. Between 1 January and 4 October 1989, 42 persons sentenced to death for politically related killings were reported to have been executed, including Abraham Mngomezulu, executed on 25 May 1989, and Mangena Jeffrey Boesman, executed on 29 September 1989, whose petitions for leave to appeal had been rejected. It was also alleged that, as in the case of the "Sharpeville Six", the doctrine of "common purpose" continued to be applied in 1989 to justify a number of death sentences. Three cases said to be illustrative of this doctrine were described as follows:

(a) The case of the "Bisho 12". On 6 June 1989, the Bisho Supreme Court of Ciskei sentenced 12 persons to death for their alleged participation in the killing of five men who had been abducted and burnt to death in Mdantsame on 1 February 1987. They were convicted on the basis of "common purpose", although the majority of the 12 defendants had not been directly implicated in the killing. It was reported that much of the evidence for conviction was based on the evidence of an eyewitness who had testified that he had seen four of the defendants take a direct part in the murders. The court had reportedly concluded that the defendants shared a "common purpose" to commit murder, which was sufficient to convict them of murder even in the absence of any evidence that they had played a direct part in the killing. On 24 August 1989, the Bisho Supreme Court granted leave to the 12 to appeal against their convictions and death sentences;

(b) The case of the "Upington 26". On 27 April 1988, 14 of the 26 defendants were sentenced to death for their alleged participation in the killing of a municipal police officer named Lucas Tshemolo "Jetta" Sethwela, in Paballelo, a black township outside Upington, Northern Cape, on 13 November 1985. The murder had allegedly occurred when a crowd of some 300 stoned the home of Sethwela after security forces had broken up a protest meeting. Only one defendant, Justice Babeke, who had pleaded not guilty, had been found guilty of delivering the fatal blows which killed Sethwela. The other 13 condemned to death were convicted of sharing a "common purpose" with him. On 8 September 1989, the Appeal Court in Bloemfontein granted leave to appeal against conviction to 13 of the 14 sentenced to death and all 14, including Justice Babeke, were granted leave to appeal against their death sentences;

(c) On 20 April 1989, Ndumiso Silo Siphenuka, aged 25, and Mackezwana Menze, aged 40, members of the Addo Youth Congress, were executed after they had been convicted on the basis of "common purpose" and sentenced to death in January 1987, together with Simolo Lennox Wonci and Mziwoxolo Christopher Makeleni, for killing a farmer and his wife in Kirkwood in June 1985. Execution had initially been scheduled for 4 October 1988, but all four were subsequently granted a stay of execution. Wonci and Makeleni subsequently had their sentences commuted to 25 years' imprisonment.

374. It was also reported that, following the start of implementation of Security Council resolution 435 (1978) in Namibia in April 1989, a large number of armed SWAPO combatants who had infiltrated in the northern part of Namibia had been captured by South African-led security forces and summarily

executed. It was reported that most of them had been buried in mass graves, after being shot in the head at point-blank range. It was also alleged that South African-led security forces operated under "take-no-prisoners" orders and systematically hunted down and eliminated combatants. Although official South African sources claimed that more than 300 SWAPO combatants had been killed by the end of April, local sources alleged that many of the dead were civilians.

375. The Special Rapporteur requested information on these allegations and in particular on any investigation by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths, and, in the case of the death sentences, on the legal proceedings under which the persons in question had been sentenced to death.

376. On 23 November 1989, in another cable sent to the Government of South Africa, the Special Rapporteur referred to numerous communications which he had addressed to the Government concerning many allegations of killings of political or anti-apartheid activists by members of the police or by "unknown" perpetrators. In nearly all the cases, it was alleged that little progress in official investigation had been made and that most of the perpetrators remained unpunished.

377. Reference was also made to further information to the effect that former police captain Dirk Johannes Coetzee and two former policemen, Almond Nofomela and David Tshikalange, who had worked under him, had admitted their participation in assassination squads set up within the South African police which had been responsible for dozens of assassinations committed by "persons unknown". These killings had allegedly been authorized by the highest security officials.

378. The Special Rapporteur expressed his utmost concern about the alleged formation of death or assassination squads operating within the South African police and pointed out that the international community had repeatedly condemned in the strongest possible manner the abhorrent practice of the formation or even tolerance of such squads by the Government. He appealed to the Government to appoint, on an urgent basis, a high level independent judicial commission to investigate whether such squads had been formed by the police or any arm of the Government or by other persons, and their responsibility in the many killings that had taken place in South Africa. He also requested information concerning the establishment of such a commission of inquiry and the development of investigations from time to time.

379. At the time of preparation of the present report, no reply had been received from the Government of South Africa.

Sri Lanka

380. On 19 May 1989, a letter was sent to the Government of Sri Lanka concerning alleged cases of killing by the Indian Peace-Keeping Forces (IPKF) in Sri Lanka, as follows:

(a) On the night of 7 November 1988, in Pandaterruppu, Saverimuthu, Alexis Sebaratnam, a retired civil servant and president of the local Citizen's Committee, was shot dead in his home by five young, unidentified gunmen. Prior to the incident, on 3 November 1988, Saverimuthu Alexis Sebaratnam had been detained briefly at the Indian Peace-Keeping Force camp in Pandaterruppu for his suspected support of the LTTE;

(b) On 27 November 1988, Jude Zachari Chandrakumar was found dead near the "Maravakulam" pond in Old Park Road, Jaffna. His body allegedly bore marks of injuries and gunshot wounds. He had been arrested on the previous day by the Indian Peace-Keeping Forces;

(c) On 15 March 1989, members of the Indian Peace-Keeping Forces shot and killed two sisters, J.A. Thavarasa, nine months pregnant, and E.J. Vijayathasan, at their home not far from the Udupiddy Church, Northern Province.

381. The Special Rapporteur requested information on these allegations and in particular on any investigations by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths.

382. On 14 July 1989, a cable was sent to the Government of Sri Lanka concerning the information that two lawyers, Prins Gunasekara and Kanchana Abhayapala, had allegedly been threatened with death over the telephone by an unidentified person who claimed responsibility for the death on 7 July 1989 of another lawyer, Charitha Lankapura. It was alleged that the killing and the death threats were directly connected with the legal work of these lawyers in the human rights field, in particular their habeas corpus petitions in the courts on behalf of persons detained illegally or disappeared. Furthermore, in the case of the killing of Charitha Lankapura, the involvement of government security forces was indicated.

383. The Special Rapporteur, having received expressions of concern for the lives of Prins Gunasekara and Kanchana Abhayapala, appealed to the Government to take all necessary measures to protect their right to life and requested information on the measures taken to protect their safety as well as on any investigation carried out on these cases and on the case of the killing of Charitha Lankapura, in order to bring those responsible for the killing and the death threats to justice.

384. On 24 July 1989, another letter was sent to the Government of Sri Lanka transmitting allegations that the Indian Peace-Keeping Force (IPKF) was responsible for the following killings reported as a result of incidents in Sri Lanka:

(a) On 20 February 1989, members of the Indian Peace-Keeping Force took R. Neethinathan, a dental student at Peradaniya University, to their camp at Kaluwanchikudy and shot him dead. The IPKF representative failed to attend the further inquest which the Batticaloa magistrate arranged for 31 March 1989;

(b) On 30 April 1989, S. Prabaharan, a student at Jaffna University, was shot dead in Thirunelveli by the IPKF;

(c) In April 1989, Rasiah Krishnapillai, aged 32, and Sri Rangan Sandirabala, aged 25, were shot dead in a forest at Mulankavil in Poonakery;

(d) On 1 May 1989, Velautham, aged 54, was arrested in Thavadi and his body was later delivered to his relatives;

(e) On 1 May 1989, Rasaratnam, aged 60, was shot dead by a patrol while visiting in Chulipuram;

(f) On 2 May 1989, C. Ganeshamoorthy, aged 55, and Kamalavathany, a 12-year old girl, were killed when troops entered the hall of the Sudhananda Young Men's Hindu Association in Vavuniya and opened fire at random;

(g) On 4 May 1989, T. Gopalakrishnan, aged 22, was arrested in his home in Selvapuram and next day his body was handed over by the IPKF at the government hospital in Kilinochchi.

385. The Special Rapporteur requested information on these cases and in particular on any investigations made and any measures taken by the authorities and/or the judiciary to establish the facts and to bring those responsible to justice.

386. On 30 October 1989, another letter was sent to the Government of Sri Lanka transmitting allegations that, during the past several months, in the context of violent conflicts in the southern regions of Sri Lanka, several persons had been killed in a summary manner. The Special Rapporteur described such cases as follows:

(a) On 7 July 1989, Charita Lankapura, a human rights lawyer, was shot dead in Colombo by unidentified men. Lankapura had reportedly filed hundreds of habeas corpus petitions in the courts on behalf of persons who had disappeared or been arrested in the southern parts of Sri Lanka. No independent inquest was said to have been instituted by the Government;

(b) On 28 August 1989, Kanchana Abhayapala, a lawyer, was shot dead by an unidentified man at his home. He had allegedly received a death threat by telephone on 7 July 1989 and been told that if he filed one more habeas corpus petition he would be killed;

(c) On 7 November 1988, Samarawerna Patabendige Ajith, a student of Godanda Maha Vidyalaya in Katugahagewatta, Kottegoda, Matara district, was shot in a paddy-field by soldiers of the Gajaba Regiment of the Sri Lanka Army during a search operation and died later in his home;

(d) On 3 December 1988, Hewawasalage Senaratna, a student in Heenaara, Binkama, Angunakolapellessa, Hambantota district, was shot dead at the Kachchigalaara junction of Binkama by soldiers from the Murawesihena Army camp, after having been arrested by the soldiers. Later on the same day Senaratna's body was allegedly burned by the soldiers;

(e) In December 1988, in Puwakdandawa, Hambantota district, three students of Beliatta Dharmapala College were killed by soldiers after having been taken into custody in front of their homes on 9 December 1988;

(f) On 1 December 1988, four youths were arrested at Wasagala market by members of the Army. Two of the four were later found dead at the market, another at Bataatha in Tangalhe and the fourth at Nonagama junction in Ambalantota;

(g) On 24 December 1988, in the Meegoda area in Ahangama, eight youths were taken away by security forces during cordon and search operations. Next day the bodies of seven of the eight were found burned at Koggala and the body of the other, also burned, was found at Habaraduwa;

(h) On 1 January 1989, two persons were taken into custody in Pattiyapola by members of the Army from the Wasala camp and shot dead in public;

(i) In January 1989, in Bataatha, Hungama, two bodies, one of a small girl and the other of a youth, were found by the Galpotha road in Bataatha, Hungama. The bodies were said to have been burned with tyres. The police personnel of the Hungama police station were allegedly responsible for the killing;

(j) On or about 15 April 1988, Gonadeniyagama Sirinanda Thero and Medirigiriye Sumana Thero were taken into custody by soldiers from the Meegaswewa Army camp in Polonnaruwa and killed, allegedly after having been tortured;

(k) On 14 and 15 September 1989, between 80 and 150 villagers of Menikhinna, Kundasala and Arangala were killed by paramilitary forces, allegedly composed of security forces personnel and/or bodyguards of local politicians, in retaliation for the murder of 16 relatives of three security personnel at Kundasala on 13 September 1989, by the Janatha Vimukthi Peramuna (JVP), People's Liberation Front.

387. In addition, in the northern and eastern parts of the country, incidents of killing of civilians by the Indian Peace-Keeping Forces were alleged to have occurred. A list of the names of 144 victims killed between January and June 1989 was received by the Special Rapporteur.

388. The Special Rapporteur requested information on these cases and in particular on any investigations made and any measures taken by the authorities and/or the judiciary to establish the facts and to bring those responsible to justice.

389. On 9 November 1989, another cable was sent to the Government of Sri Lanka concerning the information that Sarath Karalliyadda, a lawyer, had been found dead on 27 October 1989 together with four other persons, a few hundred metres away from his home in Teldeniya, near Kandy, after he had been abducted from his home on 26 October 1989 by three armed men, including one in army uniform. According to the information, he had been representing in a magisterial inquiry the relatives of a 16-year-old student who had been shot by police during demonstrations at Teldeniya in June 1989. It was reported that seven police officers of Teldeniya police station were questioned in the inquiry and that two of the witnesses had been killed since the start of the inquiry.

390. The Special Rapporteur stated that he had received expressions of concern for the lives of other lawyers and witnesses involved in this inquiry, particularly of the senior lawyer, Parakrama Ranasinghe.

391. Furthermore, he stated that information had been received concerning so-called reprisal killings in which several persons had been killed by paramilitary groups linked to the State security forces in reprisal for killings allegedly committed by members of the Janatha Vimukthi Peramuna (JVP), as follows: 24 persons killed on 25 October 1989 in Katugastota, Kandy district, in reprisal for the killing of a policeman's family in Katugastota on 23 October 1989; 18 persons killed on the premises of Peradeniya University in Kandy on 5 October 1989 in reprisal for the killing on the previous day of the assistant registrar of the university, who was said to have been a captain in the volunteer force of the Sri Lankan Army.

392. In view of the above, the Special Rapporteur appealed to the Government to take all necessary measures to protect the right to life of the above-mentioned persons and requested information on the measures taken to protect their safety as well as on any investigation carried out on the above-mentioned cases of killing in order to bring those responsible to justice.

393. On 13 November 1989, another cable was sent to the Government of Sri Lanka concerning the information that, on 21 October 1989, Venura Edirisinge, a student at Colombo University and a leader of the student movement, had been detained at Borello police station in Colombo. According to the information, Venura's name had later been seen on the confidential list of killed students at the joint operations command headquarters. Meanwhile, Venura's fiancee, Janani, a medical student of Colombo University, and her brother, had reportedly been arrested and detained at Panadura police station. However, two days later, the police had allegedly denied their detention.

394. The Special Rapporteur, having received expressions of concern for the lives of Janani and her brother, and in view of several recent reports of the killing of over 45 student activists by members of paramilitary groups and security forces since the beginning of 1989, appealed to the Government to take all necessary measures to protect the lives of the above-mentioned persons. He also requested information on the measures taken to protect their safety as well as on any investigation carried out in the case of the alleged killing of Venura Edirisinge in order to bring those responsible to justice.

395. On 2 August 1989, a reply was received from the Government of Sri Lanka to the Special Rapporteur's cable of 14 July 1989 stating that the investigations into the death of Lankapura were being conducted. It was also stated, in connection with the alleged death threats against Prins Gunasekara and Kanchara Abhayapala, that neither of them had requested the Government to provide him with security and that, if such a request were to be made, the Government would be most happy to oblige.

396. Subsequently, the Special Rapporteur learned that Kanchara Abhayapala had been shot by an unidentified gunman at his home on 28 August 1989 and died shortly afterwards, and that Prins Gunasekera had left Sri Lanka and sought asylum abroad.

Sudan

397. On 14 December 1989, a cable was sent to the Government of Sudan concerning the allegation that Dr. Mamoon Mohammed Hussein had been sentenced to death on 10 December 1989 by the revolutionary security court in Khartoum. According to the information, Dr. Hussein was convicted for having participated in a one-week strike called for by the Sudan Doctor's Association. It was reported that, although the judge had announced a period of seven days for appeal against the verdict, General Omar Bechir confirmed that the judgement was final and that he would not grant clemency. It was also alleged that Dr. Hussein had been seriously tortured in detention before the trial by security personnel and groups supporting the Government. Another doctor named Mohammed Ibrahim Al-Yas had allegedly died under torture. Fears were expressed that other doctors might be put on trial for their participation in the strike and be given death sentences.

398. In this connection, the Special Rapporteur referred to articles 6 and 14 of the International Covenant on Civil and Political Rights to which Sudan was a party and also to safeguards 5 and 6 of the annex to Economic and Social Council resolution 1984/50 of 25 May 1984 entitled "Safeguards guaranteeing protection of the rights of those facing the death penalty".

399. The Special Rapporteur appealed to the Government to make every effort to guarantee the right to life of Dr. Mamoon Mohammed Hussein and requested information on the above-mentioned case and, in particular, on the legal proceedings under which Dr. Hussein had been sentenced to death.

400. On 8 January 1990, a cable was sent to the Government of Sudan concerning the information that Gergis Al-Ghous Boutros, an assistant pilot of Sudan Airways, sentenced to death on 24 December 1989 by the Special Court Number 1 in Khartoum for contravening recently introduced currency regulations, might be facing imminent execution.

401. In this connection, the Special Rapporteur referred to articles 6 and 14 of the International Covenant on Civil and Political Rights to which Sudan was a party and also to safeguards 5 and 6 of the annex to Economic and Social Council resolution 1984/50 of 25 May 1984 entitled "Safeguards guaranteeing protection of the rights of those facing the death penalty", appealed to the Government to make every effort to guarantee the right to life of Gergis Al-Ghous Boutros, and requested information on the above-mentioned case, and in particular on the legal proceedings under which this person had been sentenced to death.

402. At the time of preparation of the present report, no reply had been received from the Government of Sudan.

Suriname

403. On 27 April 1989, a reply was received from the Government of Suriname to the Special Rapporteur's cables of 15 December 1988 concerning the arrest and detention of Stanley Rensch (E/CN.4/1989/25, paras. 259-262). The reply stated that Stanley Rensch had been taken into custody by the Military Police for interrogation under suspicion of supporting and providing facilities to persons who had taken up arms against the lawful authority and that, after a couple of days, Rensch had been released by order of the Chief Prosecution

Officer. It was also stated that, on 30 January 1989, the prosecutor had submitted the case to the investigating judge to make preliminary judicial inquiries against Rensch, which had not yet been concluded. It was further stated that his detention was not in contravention of the law and that all further action to be taken in the matter would be carried out in accordance with legal procedures and in observance of constitutionally guaranteed human rights.

Turkey

404. On 30 October 1989, a letter was sent to the Government of Turkey transmitting the allegation that, on 2 August 1989, two Kurdish prisoners, named Mehmet Kayalar and Orhan Eroglu, had died as a result of ill-treatment. The prisoners, who had been on hunger strike for 35 days at Eskisehir prison were transported under harsh conditions to Aydin and Nazilli and ill-treated.

405. The Special Rapporteur requested information on these allegations and in particular on any investigations by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths.

406. On 14 December 1989, a reply was received from the Government of Turkey to the Special Rapporteur's letter of 30 October 1989, stating that persons named "Mehmet Kayalar" and "Orhab Eroglu" were not known to the competent Turkish authorities. However, the contents of the allegation mentioned in the letter of the Special Rapporteur corresponded to a case involving two prisoners named Mehmet Yalçinkaya and Hüsnü Eroglu, two of the inmates who had tried to escape from the Eskisehir prison by excavating two tunnels. The authorities had discovered these tunnels on 22 June 1989 and decided temporarily to transfer the inmates to other prisons. On 29 June 1989, the inmates in question, including Mehmet Yalçinkaya and Hüsnü Eroglu, had launched a hunger strike. It was clear that there was a direct link between the frustration caused by the failure to escape from prison and the hunger strike. The prisoners had continued the hunger strike at the prison to which they had been moved, and the loss of life of the two prisoners referred to had occurred during that hunger strike, which lasted 52 days.

407. It was also stated that doctors had examined the said persons prior to their departure from the Eskisehir prison and established that they had no health problem which could prevent them from being transported to the Aydin prison. The inmates, including the two persons in question, had been taken to the Aydin prison in the usual transportation vehicles and the convoy had been escorted by an ambulance carrying two physicians who examined the inmates several times on the way to Aydin. It was stated that no case of mistreatment had occurred during the transportation.

408. It was further stated that a team composed of four qualified physicians had made a thorough postmortem examination and subsequently prepared an autopsy report where the following was stated: "The death of Mr. Yalçinkaya and Mr. Eroglu has been a result of a state of shock and coma. This has been caused by dehydration and ketosis related to hunger and thirst."

Union of Myanmar

409. On 9 August 1989, a cable was sent to the Government of the Union of Myanmar concerning the information that three persons had been sentenced to death by a military tribunal on or about 27 July 1989, for their alleged participation in activities leading to the explosion on 7 July 1989 of a parcel bomb at the Syrian State oil refinery near Yangon, in which two persons had been killed and one seriously injured.

410. On 6 October 1989, another cable was sent to the Government of the Union of Myanmar concerning the information that five persons had been sentenced to death on 25 September 1989 by the No. 1 military tribunal in Yangon under martial law orders 1/89 and 2/89. The five had reportedly been sentenced in connection with the killing of three persons in Dagon, Yangon, during the civil unrest the previous year.

411. On 3 November 1989, another cable was sent to the Government of the Union of Myanmar concerning the information that five persons had recently been sentenced to death by military tribunals formed in accordance with martial law orders numbers 1/89 and 2/89. According to the information, three persons had been sentenced to death on 18 October 1989 by military tribunal No. 3 of the Yangon military command in connection with the bomb explosion at Yangon City on 10 July 1989. On 19 October 1989, two persons had reportedly been sentenced to death by military tribunal No. 1 of the Yangon military command.

412. On 13 November 1989, another cable was sent to the Government of the Union of Myanmar concerning the information that 11 persons had been sentenced to death by military tribunals formed in accordance with martial law orders 1/89 and 2/89. According to the information, the 11 had been sentenced to death at the end of August 1989 by military tribunal No. 4 of the north-west military command in Shwebo in connection with an attack on a police station in Sagaing division in Northern Myanmar.

413. In those four cables, the Special Rapporteur stated that, according to the information, martial law orders 1/89 and 2/89, which had been promulgated on 17 and 18 July 1989 by the State Law and Order Restoration Council, empowered military commanders to conduct summary trials in military tribunals; and permitted the tribunals to "waive unnecessary witnesses", to "indict an offender without hearing prosecution witnesses", to "reject the recalling of witnesses who have already testified", and to impose death sentences "regardless of the provisions under existing laws". Order 2/89 allegedly provided that "decisions and judgements passed by a military tribunal shall be final"; death sentences had only to be approved by the military commander and the only recourse of a condemned person was to ask the commander-in-chief of the army, within 30 days, to revise the sentence.

414. In this connection, the Special Rapporteur referred to article 14 of the International Covenant on Civil and Political Rights, which provided for safeguards to protect the rights of the accused, including the right "to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him", and the right to appeal to a higher tribunal against conviction and sentence, and to article 15 of the Covenant, which provided that "no one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence,

under national or international law, at the time when it was committed, nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed". He also referred to safeguard 6 of the annex to Economic and Social Council resolution 1984/50 of 25 May 1984 entitled "Safeguards guaranteeing protection of the rights of those facing the death penalty".

415. On 13 December 1989, a reply was received from the Government of the Union of Myanmar to the Special Rapporteur's cables of 9 August, 6 October, 3 and 13 November 1989, stating that the death sentences referred to in the Special Rapporteur's cables concerned cases involving explosion of a parcel bomb at the Syrian Oil Refinery on 7 July 1989, beheading of two men and one woman on 8 September 1988 at the Dagon Township People's Council Office, bomb explosions at Yangon City Hall on 10 July 1989, committing crimes and absconding to KNO insurgents, abetting and committing serious crimes, looting of firearms and killing of law enforcement officials on 13 September at the Dazei Police Station. The reply provided detailed descriptions of all these cases and cited the provisions of the Penal Code and other relevant laws on the basis of which the military tribunals had sentenced these persons to death.

416. According to the reply, by the middle of 1989, certain subversionist tendencies had emerged and the hands of the extremists who had played a primary role in the upheavals of 1988 began to show again and evidently posed a threat to the nation. On 17 and 18 July 1989, approximately one year after the SLORC had come into power, Martial Law Orders Nos. 1/89 and 2/89 were issued entrusting the judicial powers to the military commanders of three Command Headquarters. In this regard, the reply emphasized the following:

> "(a) Military courts authorized under martial law orders were not the only courts that operated in the country even after the announcement of martial law. Under Martial Law Order No. 2/89, the courts found under the existing law other than martial law, namely, the Supreme Court and the courts at different levels, continued to function and were dispensing justice for various offences normally in accordance with the existing laws.
>
> "(b) The right of appeal and application for reconsideration, revision, commutation or rejection of the sentences was provided for under sections 7 and 8 for all sentences involving a prison term of three years and above and the death penalty. The appeal for commutation or rejection of the sentences passed by a military tribunal is to be addressed to the Command Commander and Commander-in-Chief (Army) step by step.
>
> "(c) In the Union of Myanmar, no death sentence had ever been carried out in the past several years except in the case of Zin Mo, a North Korean terrorist responsible for the bomb explosion of the Martyrs Mausoleum in Yangon in 1983 when four ROK ministers were killed.
>
> "(d) The martial law was to be revoked as soon as the exigencies of the situation no longer required it and there was no more threat to national unity and independence.
>
> "(e) Under Martial Law Order No. 3/89, dated 3 November 1989, martial law has been revoked in eight townships, as the rule of law and maintenance of peace and tranquillity have improved sufficiently."

417. It was further stated that those who had been sentenced to death had applied for revision, commutation or rejection, as the case might be, and that none of them had been executed to date.

418. It was also stated that it should be crystal clear that martial law was not the only law operating in Myanmar; it could even be considered as a misnomer, since martial law courts were dispensing justice more effectively, with dispatch, in strict accordance with the laws normally existing and the provisions of the 1974 Constitution; the martial law courts were of a temporary character required by the exigency of the situation, where the lives of innocent people had to be safeguarded; the situation had sufficiently improved in eight townships where martial law declarations had been already revoked; and therefore there was no element whatsoever which could be interpreted as contrary to the provisions of any of the existing human rights instruments quoted by the Special Rapporteur in his four above-mentioned cables.

Union of Soviet Socialist Republics

419. On 30 October 1989, a letter was sent to the Government of the USSR transmitting allegations that, on 9 April 1989, in Tbilisi, Georgia, at least 36 persons had died in clashes between demonstrators and security forces. According to the information, members of special units of the Ministry of Internal Affairs had blocked crossings, surrounded citizens and beaten them with clubs and shovels. The action of the security forces had reportedly been pre-planned. Official sources had stated that 19 persons had died, and the report issued by the Georgian commission which investigated the incidents had called for the Congress of People's Deputies to ascertain who was responsible.

420. The Special Rapporteur mentioned in the letter the names of the 36 alleged victims.

421. The Special Rapporteur requested information on these allegations and in particular on any investigations by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths.

422. On 1 December 1989, a cable was sent to the Government of the USSR concerning the information that a person named A. Zapevalov, aged 23, had been sentenced to death on 20 November 1989 by the Supreme Court of the Russian Soviet Socialist Republic after having been convicted of murdering two women in the Voronezh region. It was alleged that he had not had the right to appeal to a higher tribunal against the conviction and sentence.

423. The Special Rapporteur, referring to article 14, paragraph 5, of the International Covenant on Civil and Political Rights, to which the USSR was a party, appealed to the Government to examine the case and to make every effort to protect the right to life of the above-mentioned person in accordance with the said Covenant and requested information in this regard.

424. On 29 December 1989, a reply was received from the Government of the USSR to the Special Rapporteur's letter of 30 October 1989, transmitting the decision of the Congress of People's Deputies of the USSR concerning the report presented by the Commission established by the First Congress of the People's Deputies of the USSR to investigate the events that had occurred in the city of Tbilisi on 9 April 1989, as follows:

"The Congress of People's Deputies of the USSR, having heard the conclusion presented by the Commission for the investigation of the events that occurred in Tbilisi on 9 April 1989, notes that the tragedy involving loss of innocent lives has brought to light the inability of the former leadership of the Republic to defuse the gravely deteriorating social and political situation that had developed in the Georgian SSR. This tragedy has also brought to light the serious miscalculations and mistakes committed at every level of the USSR and Republican administration as the decision was made and carried out to suppress the unsanctioned rally on the square in front of the House of Government. The Congress also notes the absence of clear-cut legislative regulation of the procedural and practical aspects of the use of armed forces for the settlement of internal conflicts.

"The Congress of People's Deputies of the USSR decides:

'1. To take note of the conclusion presented by the Commission established by the Congress of People's Deputies to investigate the events that occurred in the city of Tbilisi on 9 April 1989;

'2. To condemn the use of violence against participants of the demonstration that took place in the city of Tbilisi on 9 April 1989;

'3. To entrust the Presidium of the Supreme Soviet of the USSR with the task of submitting to the appropriate bodies, for consideration and decision, of the proposals put forward by the Commission established to investigate the events that occurred in the city of Tbilisi on 9 April 1989, and of monitoring their implementation;

'4. To prepare, taking account of the discussions held, a communiqué for the press on the result of the investigation of the events in Tbilisi.'"

425. On 8 January 1990, a reply was received from the Government of the USSR to the Special Rapporteur's cable of 1 December 1989, forwarding information from the Office of the Procurator-General of the USSR.

426. According to the reply, Andrei Viktorovich Zapevalov had been sentenced by the Supreme Court of the Russian Soviet Socialist Republic to an exceptional measure of punishment, viz, the death penalty, for the totality of his crimes. In December 1987, Zapevalov, together with accomplices, had organized an armed gang for the purposes of appropriation by banditry of State and citizens' personal property and subsequent illegal crossing of the State frontier of the USSR into Finland. In order to arm the gang, they, together with other persons in Voronezh, had made and procured during the period December 1987-March 1989 firearms and other weapons and explosives and ammunition, in particular a grenade launcher with projectiles, a light machine-gun, pistols, a sawn-off rifle, combat mines, approximately 8 kg of explosives, 17 knives and the like and over 300 cartridges. It was also stated that, in pursuit of his criminal designs, Zapevalov, in order to obtain the money necessary to arm the gang, had robbed and murdered two women in Moscow in December 1988, taking from them money and property to a total value of over 10,000 roubles, and that the punishment had been ordered by the court in view of the convict's personality and of the socially dangerous nature of the crimes committed.

United States of America

427. On 28 July 1989, a cable was sent to the Government of the United States of America concerning the case of William Andrews, aged 39, who was reportedly scheduled to be executed in Utah on 22 August 1989 after being convicted as an accomplice to a store robbery in which three persons had been murdered on 22 April 1974. In connection with this case, the Special Rapporteur expressed his concern about reports that, according to Andrews' lawyers, the State of Utah had acknowledged that Andrews had not been present during the commission of the homicides, that Andrews, a black man, had been tried before an all-white jury selected from the community where the crime had been committed and that Andrews had been on death row for nearly 15 years.

428. On 9 November 1989, another cable was sent to the Government of the United States of America concerning the case of Dalton Prejean, aged 29, who was reportedly scheduled to be executed in Louisiana on 30 November 1989. Prejean had reportedly been convicted in May 1978 of the murder of a police officer. All appeals were said to have been exhausted.

429. According to the information, Dalton Prejean had been aged 17 when he committed the murder. In this connection, the Special Rapporteur referred to article 6 of the International Covenant on Civil and Political Rights which provided that: "sentence of death shall not be imposed for crimes committed by persons below eighteen years of age", and to the annex to Economic and Social Council resolution 1984/50 entitled "Safeguards guaranteeing protection of the rights of those facing the death penalty", stating that "persons below 18 years of age at the time of the commission of the crime shall not be sentenced to death".

430. In both cables, the Special Rapporteur appealed to the Government, on a purely humanitarian basis, to protect the right to life of Dalton Prejean and, in particular, to consider granting him clemency.

431. On 24 November 1989, a reply was received from the Government of the United States of America to the Special Rapporteur's cable of 9 November 1989. According to the reply, the Government's view was that general international law did not prohibit the execution of those committing capital crimes under age 18, provided that adequate due process guarantees were provided and that, although a number of nations prohibited the execution of such offenders, the practice of these States lacked the uniformity and opinio juris necessary to create a norm of customary international law. While the International Covenant on Civil and Political Rights prohibited the imposition of the death penalty for crimes committed by persons below 18 years of age, that prohibition applied only to those States that were parties to the Covenant; the United States was a signatory but not a party to the Covenant, and was thus bound only to refrain from acts that would defeat the overall object and purpose of the instrument. It was further stated that the object and purpose of the Covenant was generally to foster respect for human rights and to encourage States to pass legislation protecting human rights, and that the execution of such offenders did not violate the object and purpose of the Covenant.

432. As for consideration of a stay or commutation of sentence in this case, it was stated that the Special Rapporteur's communication provided no specific factual or legal basis on which the appropriate authorities could grant

clemency, that avenues of relief were also available through the United States Federal Courts to the level of the Supreme Court and that, if all appeals had in fact been exhausted, the Governor of the State of Louisiana might still have the power to stay or commute the sentence.

433. Subsequently, the Special Rapporteur learned that Dalton Prejean had been granted a stay of execution by the United States Supreme Court on 29 November 1989.

Venezuela

434. On 25 April 1989, a letter was sent to the Government of Venezuela concerning the allegation that several persons had been killed by the security forces in the course of the events of 27 February 1989 and the days that followed. The victims were given as follows:

(a) Crisanto Mederos, on 3 March 1989 in La Pastora, by Armed Forces personnel during a search of his home;

(b) Eliazar Mavares, on 2 March 1989, while he was walking in the street in La Pastora, presumably by a Metropolitan Police officer belonging to detachment No. 51 in Lidice;

(c) Armando Castellanos, on 1 March 1989 in Petare, by Metropolitan Police Force personnel who fired shots into his home while they were under the influence of alcohol and hit him in the head;

(d) Boris Eduardo Bolívar Marcano, on 4 or 5 March 1989, after being detained by Metropolitan Police personnel and transferred, presumably while he was still alive, to the army. His wife stated that she saw him still alive, although badly beaten and with his hands bound. Several days later it was reported that he had died in the disturbances;

(e) Richard Páez, on 3 March 1989, in Petare, by Metropolitan Police Force personnel while he was in the doorway to his house. The police claimed that he had died as a result of a fall from the doorsteps. His family asserted that there were two bullet wounds in his body;

(f) Jesús Zambrano, on 28 February 1989 in the "Los Molinos" shopping centre, presumably shot in the back by Metropolitan Police Force personnel;

(g) Carmen Marlene Díaz Escalante, on 27 February 1987 in Nueva Tacagua, by unidentified individuals riding in a jeep;

(h) Jesús Cartaya, on 1 March 1989 in Petare, by shots fired by army personnel while he was in his home;

(i) Juan José Garrido Blanco, on 2 March 1989 in Nueva Tacagua, by two motorized DISIP officers, while he was chatting with his girl-friend.

435. In addition, it was alleged that more persons were presumed to have been killed by security forces personnel during the incidents of 27 February 1989 and afterwards, and the names of 12 persons were mentioned in the letter.

436. Furthermore, it was alleged that a group of soldiers had attempted to kill Angel Ramos Amaíz.

437. The Special Rapporteur requested information on these allegations and in particular on any investigations by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths.

438. On 11 December 1989, a letter was sent to the Government of Venezuela transmitting allegations that, during the past several years, a number of persons had died as a result of deliberate and unprovoked action by police and military personnel. Some of the victims had allegedly been shot by security forces in incidents described by the authorities as armed confrontations with common criminals. Others were said to have died in police custody as a result of torture. It was also alleged that irregularities in judicial investigations and serious delays in criminal proceedings had resulted in only a few convictions of those responsible for the killings. Even such convictions were said to have ended in suspended sentences or conditional release. The absence of strict disciplinary or judicial measures in cases involving members of the police or military allegedly contributed to the recurrence of unjustified and illicit incidents of killing.

439. The Special Rapporteur described, by way of example, the following cases:

(a) On 11 September 1985, Freddy Manuel Dugarte, aged 18, was arrested after having been shot in both legs by members of the Dirección de los Servicios de Inteligencia y Protección (DISIP) in Nuevo Horizonte, outside Caracas. Next day his father identified his body with a bullet wound in the head. In March 1987, two members of DISIP had been indicted on charges of homicide, but these charges were revoked by the Tribunal Tercero en Primera Instancia de lo Penal for lack of sufficient evidence. On 25 March 1988, this decision was confirmed by the Tribunal Quinto Superior, which suspended the investigations;

(b) On 19 September 1987, José Luis Palomares, aged 16, cadet at a military training academy, died of a ruptured spleen. Although the military authorities claimed that he had died of natural causes, the circumstances of his death supported the allegation that he had been tortured after he had tried to escape from the academy. It was further reported that the military court closed the investigations in January 1989, having ruled that the allegation was false. The family was however told by court staff that the investigations were continuing;

(c) On 29 October 1988, 14 people were killed by a combined unit of military personnel, members of the DISIP and the Policía Técnica Judicial (PTJ) on the Venezuelan-Colombian border as they were travelling by boat on the river Aranca. In January 1989, a Congressional Commission issued its report with a finding that the 14 persons had been killed in circumstances other than an armed confrontation. A local military judge ordered the detention of the 19 members of the patrol on charges of homicide, but in April 1989 the 19 were released due to a technical irregularity;

(d) On 23 April 1987, Martín Soto Mijares, aged 20, was shot dead by a member of the Metropolitan Police in the barrio of Nueva Tacagua, Caracas. In January 1988, an investigación de nudo hecho was requested but this was still not known to have been carried out;

(e) On 9 June 1987, Felix Humberto Peña Tadino was shot dead at his home in the barrio of Morán de Catia by the police. The police claimed that he had been killed in a confrontation with the PTJ, but this was denied by his family. Although a State attorney was appointed to the case, he could not obtain the case dossier from the court;

(f) On 15 December 1987, Luis Miguel Villanueva Ibarra, aged 27, was shot dead by members of the DISIP. The witnesses reportedly denied the police report that Villanueva had been armed. The photographer and other witnesses on the scene were said to have been later threatened by the police. In November 1988, a judge of the Juzgado Superior Tercero en lo Penal del Estado de Aragua absolved the members of the DISIP on the ground that they had acted in self-defence and closed the case. An appeal against the decision was made to the Supreme Court which failed to respond to the appeal within five days as prescribed by law.

440. In addition, in the Venezuelan-Colombian border areas, a number of Colombian nationals were allegedly killed by the Venezuelan army after the victims had been lured into Venezuela by Colombian collaborators of the DISIP. The victims were described as guerrillas who had been involved in armed robbery. The Special Rapporteur described the following two cases:

(a) In July 1988, Dagoberto González Velázquez, painter from Cucuta, Colombia, was killed by the Venezuelan army. He had been offered a job in Venezuela and left home on 9 July;

(b) On 6 October 1988, two brothers, William and Yesid Bertrán Arévalo, and Fernando Alvarez Muñoz, Colombian nationals from Cucuta, Colombia, were killed in El Vallado, Ureña district, Tachira State, by Venezuelan army troops. It was alleged that the three had been lured into Venezuela by a Colombian working for the DISIP and handed over to the Venezuelan army as guerrillas of the Colombian Ejército Nacional de Liberación.

441. On 15 August 1989, a reply was received from the Government of Venezuela to the Special Rapporteur's letter of 25 April 1989. According to the reply, on the days in question a number of acts had been committed in several cities in Venezuela which constituted a disturbance of the peace, including vandalism, attacks against the security of the person and the family, loss of life and extensive damage to property, necessitating the intervention of the armed forces, the police and other State security agencies. It was further stated that, in order to preserve law and order and guarantee the security of the public, measures such as suspension of constitutional guarantees and imposition of curfew had been necessary. It was further stated that the government attorney had subsequently been informed that certain irregularities had occurred, including disappearances, arbitrary detention, death and torture, and that he had accordingly issued orders to his representatives throughout the country to receive and process all complaints relating to the events in question and to proceed with the investigation of those complaints through the competent judicial bodies, if a violation of the law had occurred.

442. A list of 12 cases of death under investigation by the 18th, 19th, 41st, 42nd and 43rd courts of first instance, and also by the 2nd Military Court of First Instance, and another list issued by the morgue, were attached to the reply.

Yemen

443. On 20 March 1989, a reply was received from the Government of Yemen to the Special Rapporteur's letter of 9 November 1988 (E/CN.4/1989/25, paras. 287-290), stating that the allegations referred to were totally unfounded and that the reported killings were exaggerated, some of them being attributable to tribal vendettas resulting from the nature of the social structure and the lengthy accumulated legacy of outdated practices that the republican régime had inherited from the reactionary imamate régime in power before the revolution of 26 September 1962.

Yugoslavia

444. On 30 October 1989, a letter was sent to the Government of Yugoslavia transmitting allegations that, on 27 and 28 March 1989 and during the first days of April, several hundred persons of Albanian background had been killed by security forces in various towns in Kosovo during demonstrations that had taken place in the context of ethno-political unrest. It was alleged that the victims had been kicked, beaten or shot to death. Among the identified victims, a list of 58 names was received by the Special Rapporteur. The following alleged incidents were listed by way of example:

(a) In Zhur, dozens of elementary schoolchildren were shot dead or injured when security forces indiscriminately shot at the demonstrating children from a helicopter;

(b) In Malishevë, Dim and Arsim Pacarrizi, aged 7 and 8, were killed by security forces, although the police reportedly explained that the brother of one of the two children had been playing with a gun belonging to a soldier and had shot the children by mistake;

(c) In Gjilan, Basri Ibrahimi, aged 24, was shot dead while he was in his car near a demonstration. It was alleged that the family members had been tortured and forced by the police to accept that he had committed suicide.

445. The Special Rapporteur requested information on these allegations and in particular on any investigations by the competent authorities, including autopsy, and any measures taken to prevent the further occurrence of such deaths.

446. At the time of preparation of the present report, no reply had been received from the Government of Yugoslavia.

Chapter III

ANALYSIS OF THE PHENOMENON

A. Death threats

447. During the period of the current mandate of the Special Rapporteur, more appeals were received than in previous years for urgent intervention by the Special Rapporteur in cases of death threats. The Special Rapporteur took immediate action in cases where such death threats posed *prima facie* imminent danger to the life of those who had allegedly received death threats.

448. Reports of death threats and subsequent assassinations are still confined to a limited number of countries in certain regions. However, this heinous practice of terror is gradually spreading to countries where such practice had not been known to exist, but where the political and social situation has been markedly deteriorating.

449. According to the information received death threats are made against persons of various backgrounds and professions, in particular the following:

(a) Judges, lawyers, magistrates and prosecutors, etc., involved in trials, investigations or other legal proceedings;

(b) Human rights activists who collect and publicize cases of violation of human rights at the local, regional and/or national levels, and organize human rights activities;

(c) Public office holders, including legislators and community councillors, who publicly demand justice in cases of human rights violations;

(d) Trade unionists who organize workers and try to defend workers' rights;

(e) Educators who engage in adult education programmes and activities aimed at creating awareness of human rights in rural areas;

(f) Journalists who investigate and report cases of violation of human rights through the mass media;

(g) Eyewitnesses of crimes who are willing to testify in a trial or before a magistrate;

(h) Members of opposition groups, including political parties.

450. Judging by the information received on various cases of death threats, their aim appears to be to terrorize the persons concerned in order to prevent them from pursuing activities which are perceived as contrary to the interests of the authors of the threats.

451. The authors of death threats usually remain anonymous. However, they often use names of paramilitary or "vigilante" groups whose identity remains vague or unknown.

452. Threats are made by telephone, letters delivered to the homes of the victims, pamphlets, or "death lists" carrying the names of prospective targets of assassination.

453. According to the appeals made to the Special Rapporteur, in most cases the authorities had taken no effective measures to protect those who had received death threats or to undertake appropriate investigations. The appeals also indicated the involvement of the Government concerned, either directly, by orders given to officials or the employment of individuals or groups under the control of the Government, or indirectly by connivance in or collusion with such death threats by private individuals or groups. Absence of official investigation, prosecution and/or punishment of those responsible for such threats was the rule rather than the exception.

454. In certain countries where death threats are reported to be widespread, the majority of the victims of summary or arbitrary executions had in fact received death threats before they were assassinated.

B. Human rights defenders as victims of summary or arbitrary executions

455. Caring for others is a noble and universal principle in any human community. Caring for those who are underpriviledged, discriminated against or persecuted is highly commendable. It is even extraordinary when such caring accompanies a serious risk to one's own life.

456. In reality, those who uncompromisingly struggle to help others, to seek justice, to shed light on carefully concealed facts often end up as victims of summary or arbitrary execution. By profession and activities, such persons are judges, magistrates, prosecutors, lawyers, journalists, human rights activists, teachers, legislators, community councillors, mayors, trade unionists, etc. By the very nature of their work, they may be called human rights defenders.

457. According to a report published by the Eighth Consultative Meeting of the International and Regional Organizations of Journalists, held in Prague from 25 to 27 November 1988, at least 600 journalists had been killed in various parts of the world during the previous 10 years, and a similar number had disappeared, most of them presumed dead. In 1987, 37 journalists were reported to have been killed, and in 1988, 39. The real number could be higher.

458. According to another report, prepared by the Centre for the Independence of Judges and Lawyers, between January 1988 and June 1989, 35 members of the legal profession were killed throughout the world because of their professional activities, such as counselling and representing clients, advocating law reform and human rights, conducting investigations and rendering judicial decisions.

459. Active members of non-governmental human rights organizations, trade unions and political parties have been the most outstanding groups of victims of summary or arbitrary executions, since they are often perceived as enemies or subversive elements by the established, dominant power groups. As noted in the foregoing section, human rights defenders are those who most often receive death threats demanding that they cease their activities. It is an alarming

trend that human rights defenders should be deliberately selected as targets of summary or arbitrary executions, since, without their activities, human rights violations would largely remain undetected, would not be reported to the authorities or to the public, would not be investigated and would not be punished. The implications of the attacks on these groups of persons are serious, leaving no doubt about the aims of the attackers.

460. The integrity and well-being of the entire community of a country depend very much on their uncompromising struggle. It is for this reason that human rights defenders should be given better protection, nationally and internationally.

C. Effective prevention, investigation and punishment of summary or arbitrary executions - consensus on international standards

461. The Special Rapporteur considers it a milestone for his mandate that the Economic and Social Council adopted, on 24 May 1989, without a vote, resolution 1989/65 entitled "Effective prevention and investigation of extra-legal, arbitrary and summary executions". This resolution is a highly positive outcome of long and careful preparation and close co-operation among non-governmental organizations, Governments and United Nations organs. The Special Rapporteur wishes to commend the serious work done in this regard by the Committee on Crime Prevention and Control and the vital contribution made by non-governmental organizations, in particular by the Minnesota Lawyers International Human Rights Committee.

462. The annex to the resolution sets out 20 principles on the effective prevention and investigation of extra-legal, arbitrary and summary executions, which the Special Rapporteur described briefly in his last report (E/CN.4/1989/25, para. 297). Since these principles are considered so important, the annex to Economic and Social Council resolution 1989/65 is reproduced in full in the annex to the present report.

463. The Special Rapporteur feels that his position with regard to the implementation of his mandate is strongly supported by this resolution. In his past reports, the Special Rapporteur has reiterated that adequate investigation, prosecution and/or punishment in cases of death in suspicious circumstances are crucial to a Government's effort to eliminate the abhorrent phenomenon of summary or arbitrary executions. Since the principles adopted by the Economic and Social Council reflect the Special Rapporteur's ideas and views in sufficient detail, he will be able to refer, without any reservation, to these principles in his examination of alleged incidents of summary or arbitrary executions. Any Government's practice that fails to reach the standards set out in the principles may be regarded as an indication of the Government's responsibility, even if no government officials are found to be directly involved in the acts of summary or arbitrary execution.

464. It is worth mentioning here that a manual on the effective prevention and investigation of extra-legal, arbitrary and summary executions is now being prepared to supplement the principles adopted by the Economic and Social Council. The Special Rapporteur hopes that this manual will be made widely available in at least the official languages of the United Nations so that it may be used for seminars and training courses in various parts of the world.

D. Advisory services and technical assistance

465. The Commission on Human Rights, in its resolution 1989/72, entitled "Advisory services in the field of human rights", requested its special rapporteurs and representatives, as well as the Working Group on Enforced or Involuntary Disappearances, "to inform Governments, whenever appropriate, of the possibility of availing themselves of the services provided for under the programme of advisory services and to include in their recommendations, whenever appropriate, proposals for specific projects to be realized under the programme of advisory services" (para. 11). In his past reports, the Special Rapporteur has made recommendations of a general nature with regard to training programmes for law enforcement officers, seminars and workshops for government officials. He has refrained, however, from making specific recommendations to specific Governments unless he has had the opportunity to visit *in situ*, to examine in depth the situation in their countries.

466. The Special Rapporteur is of the opinion that, to ensure the positive outcome of any programmes or projects of advisory services or technical assistance by the United Nations, a number of basic elements must be satisfied, including the following:

(a) A Government's genuine willingness to combat human rights violations and to improve the situation in its country;

(b) Careful examination of the country situation prior to proposing specific projects, in order clearly to identify the needs, and a critical analysis of the Government's request for specific projects or programmes;

(c) Support of projects by well-planned financial and human resources;

(d) Close co-operation and co-ordination within United Nations organs and departments in planning and implementing projects;

(e) Establishment of mechanisms for monitoring project implementation and achievements and periodic evaluation of such projects.

467. The Special Rapporteurs and representatives of the Commission on Human Rights, as well as the Working Group on Enforced or Involuntary Disappearances, could indeed contribute to identifying needs and formulating specific projects, since they would be in the best position to obtain in-depth information on the situation in specific countries through their visits *in situ* or their direct contacts with the Governments concerned. However, the administration and management of programmes and projects within the framework of the advisory services and technical assistance should not depend exclusively on the initial contribution of the Special Rapporteurs, representatives and the Working Group. It requires its own expertise, and the United Nations Secretariat, and in particular the Centre for Human Rights, must be equipped with the necessary specialists and other resources.

468. The Special Rapporteur hopes that, in the near future, a notable improvement will be made in this area within the Centre for Human Rights with a view to providing continuous impetus and effective management to these activities.

Chapter IV

CONCLUSIONS AND RECOMMENDATIONS

469. With his present report, the Special Rapporteur has completed his eighth year since the establishment of his mandate in 1982. By going through his past reports and the information he has received, he concludes that the phenomenon of summary or arbitrary executions is unfortunately still prevalent in many parts of the world. Armed conflicts causing the death of civilians, political assassinations, illegal and/or excessive use of force by law enforcement or security force personnel, deaths in custody and executions without trial, or with a trial but without the safeguards to protect the rights of the defendant - the whole pattern of summary or arbitrary executions has already been well-documented and analysed in the Special Rapporteur's reports. Up to the present, the picture has remained unchanged.

470. During the past several years, the activities of the Special Rapporteur have markedly increased. On the one hand, every year he has received more communications containing information on summary or arbitrary executions; on the other hand, he has taken more frequent action in regard to the Governments concerning which allegations of summary or arbitrary executions have been made. The Special Rapporteur is of the view that this may be indicative of the fact that his mandate is becoming better known.

471. The Special Rapporteur is aware that the information which has reached him represents only a part of the entire phenomenon of summary or arbitrary executions. He hopes that the efforts and co-operation of various international and national organizations directed at establishing a better information network will continue to improve the transmission of information both in quantity and in speed.

472. In the present report, the Special Rapporteur has taken note of a particularly alarming trend, which is rapidly spreading, namely, the practice of "death threats" deliberately directed, in particular, against persons who play key roles in defending human rights and achieving social and criminal justice in a society. Rigorous measures must be taken to protect this group of persons.

473. On the other hand, the Special Rapporteur is happy to note the considerable achievements made by the General Assembly and the Economic and Social Council during the past year in areas directly or indirectly related to his mandate.

474. The General Assembly adopted, on 9 December 1988, resolution 43/173 entitled "Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment". The Economic and Social Council adopted, on 24 May 1989, several resolutions concerning the administration of justice, and in particular resolution 1989/65, entitled "Effective prevention and investigation of extra-legal, arbitrary and summary executions". This resolution has set the standards which the Special Rapporteur will apply when

he examines alleged cases of summary or arbitrary executions. It should also help Governments to improve and/or maintain the level of protection of the right to life of those under their jurisdiction.

475. Furthermore, the Special Rapporteur takes special note of General Assembly resolution 44/159 of 15 December 1989, in which he was requested "to promote exchanges of views between Governments and those who provide reliable information to the Special Rapporteur, where the Special Rapporteur considers that such exchanges of information might be useful" (para. 7). The Special Rapporteur is willing to assume this task in order to facilitate constructive co-operation between the parties concerned and to seek more effective ways of combating the practice of summary or arbitrary executions.

476. With regard to the advisory services and technical assistance envisaged in Commission on Human Rights resolution 1989/72 of 8 March 1989, the Special Rapporteur is willing to explore further how best such programmes and projects of advisory services and technical assistance could be formulated and proposed in the context of his mandate. In chapter III, D, above, he has tried to elaborate the necessary conditions and elements for the effective implementation of such programmes and projects. He welcomes any suggestions in this regard.

477. In view of these conclusions, the Special Rapporteur would like to make a number of recommendations, as follows:

(a) Governments:

(i) Review national laws and regulations, as well as the practice of the judicial and law enforcement authorities, with a view to securing effective implementation of the standards set by Economic and Social Council resolution 1989/65 of 24 May 1989;

(ii) As a matter of priority, take measures to ensure the effective protection of persons who play key roles in defending human rights and promoting social justice from death threats and assassination attempts;

(iii) Include a thorough curriculum of human rights in the training of all law enforcement and military personnel;

(iv) Establish an office within the Government in order to improve co-operation with the United Nations and other international organizations in human rights matters.

(b) International organizations:

(i) Emphasize the importance of the implementation of international human rights norms and principles as set forth in international human rights instruments and resolutions, in particular by the General Assembly and the Economic and Social Council;

(ii) Organize at the regional and national levels human rights seminars and training courses, utilizing the manual on the effective prevention and investigation of extra-legal, arbitrary and summary executions;

(iii) Strengthen the United Nations Centre for Human Rights with a view to meeting the ever-growing requirements in the monitoring of human rights protection and advisory services;

(iv) Promote information activities in order to disseminate as widely as possible the latest achievements in the field of human rights, so that the international community may be aware of the ways in which human rights can be protected and promoted.

Annex

PRINCIPLES ON THE EFFECTIVE PREVENTION AND INVESTIGATION OF EXTRA-LEGAL, ARBITRARY AND SUMMARY EXECUTIONS

(Adopted by the Economic and Social Council
by its resolution 1989/65 of 24 May 1989)

Prevention

1. Governments shall prohibit by law all extra-legal, arbitrary and summary executions and shall ensure that any such executions are recognized as offences under their criminal laws, and are punishable by appropriate penalties which take into account the seriousness of such offences. Exceptional circumstances including a state of war or threat of war, internal political instability or any other public emergency may not be invoked as a justification of such executions. Such executions shall not be carried out under any circumstances including, but not limited to, situations of internal armed conflict, excessive or illegal use of force by a public official or other person acting in an official capacity or a person acting at the instigation, or with the consent or acquiescence of such person, and situations in which deaths occur in custody. This prohibition shall prevail over decrees issued by governmental authority.

2. In order to prevent extra-legal, arbitrary and summary executions, Governments shall ensure strict control, including a clear chain of command over all officials responsible for the apprehension, arrest, detention, custody and imprisonment as well as those officials authorized by law to use force and firearms.

3. Governments shall prohibit orders from superior officers or public authorities authorizing or inciting other persons to carry out any such extra-legal, arbitrary or summary executions. All persons shall have the right and the duty to defy such orders. Training of law enforcement officials shall emphasize the above provisions.

4. Effective protection through judicial or other means shall be guaranteed to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats.

5. No one shall be involuntarily returned or extradited to a country where there are substantial grounds for believing that he or she may become a victim of extra-legal, arbitrary or summary execution in that country.

6. Governments shall ensure that persons deprived of their liberty are held in officially recognized places of custody, and that accurate information on their custody and whereabouts, including transfers, is made promptly available to their relatives and lawyer or other persons of confidence.

7. Qualified inspectors, including medical personnel, or an equivalent independent authority, shall conduct inspections in places of custody on a regular basis, and be empowered to undertake unannounced inspections on their own initiative, with full guarantees of independence in the exercise of this function. The inspectors shall have unrestricted access to all persons in such places of custody, as well as to all their records.

8. Governments shall make every effort to prevent extra-legal, arbitrary and summary executions through measures such as diplomatic intercession, improved access of complainants to intergovernmental and judicial bodies, and public denunciation. Intergovernmental mechanisms shall be used to investigate reports of any such executions and to take effective action against such practices. Governments, including those of countries where extra-legal, arbitrary and summary executions are reasonably suspected to occur, shall co-operate fully in international investigations on the subject.

Investigation

9. There shall be a thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances. Governments shall maintain investigative offices and procedures to undertake such inquiries. The purpose of the investigation shall be to determine the cause, manner and time of death, the person responsible, and any pattern or practice which may have brought about that death. It shall include an adequate autopsy, collection and analysis of all physical and documentary evidence, and statements from witnesses. The investigation shall distinguish between natural death, accidental death, suicide and homicide.

10. The investigative authority shall have the power to obtain all the information necessary to the inquiry. Those persons conducting the investigation shall have at their disposal all the necessary budgetary and technical resources for effective investigation. They shall also have the authority to oblige officials allegedly involved in any such executions to appear and testify. The same shall apply to any witness. To this end, they shall be entitled to issue summons to witnesses, including the officials allegedly involved, and to demand the production of evidence.

11. In cases in which the established investigative procedures are inadequate because of lack of expertise or impartiality, because of the importance of the matter or because of the apparent existence of a pattern of abuse, and in cases where there are complaints from the family of the victim about these inadequacies or other substantial reasons, Governments shall pursue investigations through an independent commission of inquiry or similar procedure. Members of such a commission shall be chosen for their recognized impartiality, competence and independence as individuals. In particular, they shall be independent of any institution, agency or person that may be the subject of the inquiry. The commission shall have the authority to obtain all information necessary to the inquiry and shall conduct the inquiry as provided for under these principles.

12. The body of the deceased person shall not be disposed of until an adequate autopsy is conducted by a physician, who shall, if possible, be an expert in forensic pathology. Those conducting the autopsy shall have the right of access to all investigative data, to the place where the body was discovered, and to the place where the death is thought to have occurred. If the body has been buried and it later appears that an investigation is required, the body shall be promptly and competently exhumed for an autopsy. If skeletal remains are discovered, they should be carefully exhumed and studied according to systematic anthropological techniques.

13. The body of the deceased shall be available to those conducting the autopsy for a sufficient amount of time to enable a thorough investigation to be carried out. The autopsy shall, at a minimum, attempt to establish the identity of the deceased and the cause and manner of death. The time and place of death shall also be determined to the extent possible. Detailed colour photographs of the deceased shall be included in the autopsy report in order to document and support the findings of the investigation. The autopsy report must describe any and all injuries to the deceased including any evidence of torture.

14. In order to ensure objective results, those conducting the autopsy must be able to function impartially and independently of any potentially implicated persons or organizations of entities.

15. Complainants, witnesses, those conducting the investigation and their families shall be protected from violence, threats of violence or any other form of intimidation. Those potentially implicated in extra-legal, arbitrary or summary executions shall be removed from any position of control or power, whether direct or indirect, over complainants, witnesses and their families, as well as over those conducting investigations.

16. Families of the deceased and their legal representatives shall be informed of, and have access to, any hearing as well as to all information relevant to the investigation, and shall be entitled to present other evidence. The family of the deceased shall have the right to insist that a medical or other qualified representative be present at the autopsy. When the identity of a deceased person has been determined, a notification of death shall be posted, and the family or relatives of the deceased immediately informed. The body of the deceased shall be returned to them upon completion of the investigation.

17. A written report shall be made within a reasonable period of time on the methods and findings of such investigations. The report shall be made public immediately and shall include the scope of the inquiry, procedures and methods used to evaluate evidence as well as conclusions and recommendations based on findings of fact and on applicable law. The report shall also describe in detail specific events that were found to have occurred, and the evidence upon which such findings were based, and list the names of witnesses who testified, with the exception of those whose identities have been withheld for their own protection. The Government shall, within a reasonable period of time, either reply to the report of the investigation, or indicate the steps to be taken in response to it.

Legal proceedings

18. Governments shall ensure that persons identified by the investigation as having participated in extra-legal, arbitrary or summary executions in any territory under their jurisdiction are brought to justice. Governments shall either bring such persons to justice or co-operate to extradite any such persons to other countries wishing to exercise jurisdiction. This principle shall apply irrespective of who and where the perpetrators or the victims are, their nationalities or where the offence was committed.

19. Without prejudice to principle 3 above, an order from a superior officer or a public authority may not be invoked as a justification for extra-legal, arbitrary or summary executions. Superiors, officers or other public officials may be held responsible for acts committed by officials under their hierarchical authority if they had a reasonable opportunity to prevent such acts. In no circumstances, including a state of war, siege or other public emergency, shall blanket immunity from prosecution be granted to any person allegedly involved in extra-legal, arbitrary or summary executions.

20. The families and dependants of victims of extra-legal, arbitrary or summary executions shall be entitled to fair and adequate compensation within a reasonable period of time.

UNITED
NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/1990/22/Corr.1
19 February 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Summary or arbitrary executions

Report by the Special Rapporteur, Mr. S. Amos Wako, pursuant to Economic and Social Council resolution 1988/38

CORRIGENDUM

1. Paragraph 19 should read as follows:

"19. In addition, replies were received from the following seven Governments concerning the allegations transmitted by the Special Rapporteur during 1988: Brazil, Democratic Yemen, Ethiopia, Mauritania, Nicaragua, Peru, Yemen."

2. Paragraph 286 should read as follows:

"286. On 12 June 1989, a reply was received from the Government of Mauritania to the Special Rapporteur's letter of 28 July 1988 and to his cable of 23 November 1988. Concerning the allegation of execution, on 6 December 1987, of three officers of the Mauritanian armed forces after having been sentenced to death by the Cour Spéciale de Justice without the right to appeal to a higher tribunal, the reply stated that the three persons plotted to overthrow the Government, to commit massacre and to cause devastation, and therefore liable to be guilty of crimes against the security of the State as provided for by the law, and that the three were sentenced to death after fair and public proceedings in which the rights of the defendants were fully respected. With regard to the allegation that a certain number of prisoners were gravely ill due to inadequate prison conditions and that three prisoners died of illness in similar conditions, it was stated that a certain number of prisoners had died of natural causes and that these deaths could in no way be considered as executions."

- - - - -